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International Court of Justice

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Jodl

Official Transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 30 May 1946, 1000-1700, Lord Justice Lawrence presiding.

DR. EXNER (Counsel for the defendant Jodl): Mr. President, I should like to put a request to you. My client is the one next in order and would like to be excused, if possible, this afternoon and all day tomorrow, so that he can prepare his case.

THE PRESIDENT: Yes, certainly.

THE MARSHAL: May it please the Tribunal, the report is made that the defendant vonPapen is absent.

FRITZ SAUCKEL -- Resumed

CROSS EXAMINATION -- Continued

BY. MR. MERZOG:

Q Defendant Sauckel, I was asking yesterday whether you considered that Germany's foreign policy should have been determined according to Hitlerian culture withthe idea of the Master Race.

A May I please ask you to repeat the question? I did not quite understand it.

Q I was asking you yesterday if you considered that the foreign policy of Germany should have been determined with respect to two Hitlerian theories, "Lebensraum" and "Master Race".

A I understood whether the German foreign policy should have been carried on according to the principles of "Lebensraum" and the "Master Race".

Q Yes, I would ask you to answer whether, in your opinion, it should have been so.

A Not according to the principle of the superior race. I should like to be permitted to give an explanation of this statement. I personally considered the statements made by some of the National Socialist leaders about a "Master Race" -- I heard their statements, and I did not approve of them. As a young man I travelled about the world. I travelled in Australia and in America, and I made some contacts whichnow serve as good memories to me, but I loved my own people and tried -- and this is something I admit-- I believed that my own people was entitled to an equality of rights, and

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that was the position I represented. I did not consider the principle of the "Master Race" to be good.

Q In those conditions, youdid not approve of the foreign policy of Hitler, and youdid not coloaborate therewith?

A In answer to the question by my attorney, I stated that I never considered myself to be one to formulate the foreign policy.

Q Do you remember the declaration which you made on 4 September 1945 to two American officers?

M. MERZOG: This declaration is PS-3057. It was submitted as USA 223.

BY M. MERZOG:

Q You said therein as follows:

"(1) I was a convinced National Socialist in about 1921 and adhered 100 per cent to the program of Adolf Hitler. I was actively working in that sense, and during the period from 1921 until the assumption of power in 1933 I made about 500 speeches, the sense and content of whic represented the National Socialist philosophy. It was forme a particular satisfaction to have elevated the Gau of Thuringia to a predominant position, and thereafter, especially as regards its National Socialist aspirations, there was no doubt in my mind, and I never questioned commands by Hitler. Until the crash came, I obeyed his orders blindly."

THE PRESIDENT: You are going a little bit too fast. Thias has been read, M. Merzog. I do not think you need read all of it.

BY M. MERZOG:

Q I would ask you then, defendant Sauckel, if you confirm the declarations which were made under oath and voluntarily and without any duress on the 4 September 1945 and which are in contradiction with those that you made yesterday and which you have just made to me.

A I confirm that my signature is appended to this document. I ask the High Tribunal's permission to tell how the signature came about.

This document was presented to me in its finished form. I asked that I might read and study this document in my cell and decide whether I could actually sign it. I was denied this privilege. During the conversation--and an officer was called in. This officer told me that he belonged to the Polish or Russian army, and he told me that if I hesitated too long in

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signing this document, I would be given to theRussian authorities. Then this Polish or Russian officer entered and asked where Sauckel's family was. "His family will have to be taken into Russian territory as well." I am the father of ten children. I did not think about this matter, but, with consideration for my family, I signed this document.

When I returned to my cell, I turned tothe commandant of the camp, and I wanted to talk with him alone on this matter, but this was not possible, for shortly thereafter I was brought to Nurnberg.

Q Your signature is at the end of this document in which you declared that you "made the above declarations voluntarily and without any duress"?

A That is correct, but in this situation --

Q I think your explanation is sufficient.

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THE PRESIDENT: Will you ask him whether he had read it now and whether it is true.

BY M. HERZOG:

Q I asked you a few moments ago, and I ask you now: Are you ready to confirm whether your statements are correct?

A These statements are not correct in the details on individual points, and I asked that I might correct these various points, but I did not receive the time to do that.

On the last morning before I came to Nurnberg, I was told I could discuss this matter in Nurnberg, and when I was interrogated here I told the American officer about that matter.

THE PRESIDENT: M. Herzog, was this document read over in the Tribunal during the prosecution?

M HERZOG: This document was submitted under USA 223.

DR. SERVATIUS (Counsel for the defendant Sauckel): Mr. President, as far as I recall, this document was not submitted. At that time I had a conversation with the American representative of the Prosecution and told him about these objections. He did not mention this at a later session, and the President himself, at the conclusion of this, asked whether this document would not be produced and the prosecutor said, "No, on the basis of a conference with the defense, we will dispense with this document."

THE PRESIDENT: Well, you tell us that it wasn't read over in court.

DR. SERVATIUS: No, it wasn't read in court. I would like to object to the admissibility of this document, for it was given under duress.

THE PRESIDENT: Under these circumstances, M. Herzog, you may cross examine in what way you like upon the document. The Tribunal was under the impression that it had already been read ove That is why they stopped you reading it.

BY M. HERZOG:

Q In paragraph 2 you declared:

"After the putting into effect of the Nurnberg Laws, I took

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necessary measures for carrying out those laws in the Gau of Thuringia."

Paragraph 4:

"As regards foreign policy, I felt that the German people had a right to Lebensraum in Europe and they should take a preeminent place in Europe on account of their racial superiority. I agreed with all the decisions taken by Hitler and the NSDAP concerning the means to be used and the measures to be taken to obtain these ends, and I collaborated actively in the execution of this plan."

A I could not follow your concluding sentences.

Q I will read it once more:

"I agreed with all the decisions taken by Hitler and the NSDA concerning the means to be used and the measures to be taken to obtain these ends, and I collaborated actively in the execution of this plan."

I ask you to confirm whether you made these statements.

A I certainly would not have made those statements in tha way if I had had my own will and if I had been able to act freely.

Q Is it a fact that you were appointed --

THE PRESIDENT (Interposing); M. Herzog, the Tribunal thinks that the document is before the witness and he should be asked to point out in what way he considers the document wrong.

BY M. HERZOG:

Q Defendant Sauckel, you heard what the President has sai You say that this document does not coincide with the truth. Will you kindly tell the Tribunal in what way it does not.

A I should like to take this document point by point. I was 100 per cent for the social program, the program of Adolf Hitle for the German people's community. I agreed with that and I told m attorney that.

THE PRESIDENT: Defendant, what the Tribunal wishes is that you should take the document and point out, sentence by sentence, what is wrong in it.

THE WITNESS: In paragraph 1, the year 1921 is incorrec

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I became a member, as my first membership card shows, in the year 1923 and 1925. Before the year 1923, I had no connection with the Party.

As far as 100 per cent agreement with Adolf Hitler, I understand the "100 per cent" in this way, that the program was justified according to the constitution, according to humanity, and according to ethics and morality, as it appeared to me.

Just how many meetings I conducted, the exact number I cannot say. My speeches and lectures, in the main, were based on my life and on my experiences. Those were the only things that I could talk about, and I wanted to bring about a coordination and a balance between the German professions.

THE PRESIDENT: Defendant, I have pointed out to you that what the Tribunal desires is for you to take the document and say what sentences in it are wrong, and not to make speeches.

THE WITNESS: In my eyes, all of the sentences are wrong. I would not have put them that way. All the sentences, as they stand, are not correct, and they do not read the way they would have read if I had said them myself. The way they stand, I dispute each and every sentence, for I did not write them and I was not consulted. These sentences were shown to me as they are now.

DR. SERVATIUS: Mr. President, if I may be permitted to give an explanation of this matter, this statement is a resume of the entire number of interrogations in which the various points represent a confession in the sense of the Indictment. The defendant would not have to say a word in his own defense if this were correct. Since it is a resume, and since conclusions can be drawn from it, he will have to have the opportunity to refute the conclusions and that necessitates a speech. These are not certain facts which can be answered with yes or no.

THE PRESIDENT: The defendant has just said that the whole document is wrong, and he has also said that the document was obtained from him under duress.

DR. SERVATIUS: Yes.

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THE PRESIDENT: And it is therefore not any use to go through it in detail. But the Tribunal would like to hear from the American Prosecution if they have anything to say about the matter.

MR. DODD: I do not have a copy of the document before me in English, but I --

THE PRESIDENT (Interposing): You see, Mr. Dodd, M. Herzog has said that it was offered in evidence under the exhibit number US 223.

MR. DODD: My recollection is -- I will check the recor Mr. President -- that in the presentation of the case on slave labor, we included this in our document book but did not offer it in evidence. I think I said to the Tribunal at the time that we had decided not to offer it. It had been printed up and put in the document book.

My memory may be faulty, but my recollection is, Mr. President, that the President of the Tribunal asked me if I did not intend to offer it, and I then stated that we had thought it over and decided not to use it.

THE PRESIDENT: I don't understand how it gets an exhibit number if it isn't offered in evidence.

MR. DODD: I don't either. I think it is an error.

THE PRESIDENT: I see. Mr. Dodd, do you know whether this is a resume or a summary of a number of interrogations which were taken?

MR. DODD: My understanding is to the contrary. I thin it was taken before the defendant Sauckel was in Nurnberg and befor any interrogations were conducted on the part of the Interrogation Division of the American Prosecution.

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THE PRESIDENT: Were you aware that Dr. Sevatius was objecting to the document on the ground that it was obtained under duress?

MR. DODD: My recollection is that at the time of the presentation of the Slave Labor case Dr. Servatius made some objection and I think that is what pointed the matter up at the time; and that is why we did not use it.

THE PRESIDENT: Very well. Then you had better pass from it.

Q You were appointed Plenipotentiary for the Labor Service by a ordinance of the 21st of March, 1942?

A Yes, that is correct.

Q Is it right to say that this decree was counter-signed by your co-defendant Keitel?

A The decree, I believe, was countersigned three times. I believe that's right At this moment I cannot confirm it with surety, but believe so.

Q Would you kindly explain to the Tribunal under what circumstances you were appointed to that office?

A I answered that question when it was put to me by my Counsel yesterday. It was a surprise to me.

Q Did Speer, the Reich Minister for Armaments, have anything to do with your appointment?

A I cannot tell you that from my own knowledge. I believe it was a suggestion by Bormann, but I cannot tell you this from my own knowledge.

Q Do you recollect on that subject about your having made any mention of your interrogation in September, 1945?

A At this moment I cannot remember the details exactly.

Q On the 12th of September, 1945, you were interrogated by Major Monigan, during which you appear to have stated the following -- the Tribunal will find this on the first page in the extracts of the iterrogatory, which has been handed them.

"In March, 1942, I was summoned rather suddenly by Minister Speer who had been appointed a short while previously. Speer told me that it was urgent that I should assume" --

(A short interruption.)

(Resuming) "---Speer told me that it was urgent that I shoud assume new function concerning the matter of manpower. A few days later he asked me to go with him to the General Headquarters and I was introduced to the presence of the Fuehrer, who

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told me that I shoud at any price accept this appointment which was offered to me."

Do you confirm that statement?

A It is correct. However, I cannot say whether that was before a decision -- whether my appointment came through the initiative of some other gentlemen; but except for that, the picture is correct.

Q But you confirm that you took the Defendant Speer, the Minister for Armament and Munitions, to the Fuehrer Headquarters on the occasion of your appointment.

A Yes, that is correct.

Q Yesterday your Counsel deposited a plan showing the general organization of your services and showing how it was connected to the other organizations of the Reich. You have declared that this plan was correct. I would ask you to confirm by saying yes or no, if you think that this chart is correct.

A According to my own personal recollection, yes.

Q Have you that chart in front of you?

A No, I don't have it.

Q It is the document which was handed up to the Tribunal yesterday, showing the different --

THE PRESIDENT: Which number chart is it?

M. HERZOG: It is chart No. 1, indicating how Sauckel's department dove-tailed with the other ministerial services.

Q Will you look at column 6 starting from the left, the column above which there is the name of the Defendant Funk? Have you found it?

A Yes.

Q Would you go down that column, the third square, representing the armaments inspectors? Is that a correct description of the employment of armaments inspectors under the Defendant Funk?

A Under Funk? Which department do you mean, which division?

Q Do you see --

A No, that is not quite correct here. It should be moved up a little bit to the side. It is corrected with Speer later. Highway inspection and construction, matters like those do not belong under Funk. That is a mistake, putting them under Funk's direction.

Q On the other hand, do you see this square beside that one, and which connects to the direction of the Autobahnen Service, the General Commission for Studies and

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Labor?. Should it be connected to the Reichsautobahnen?

A Yes.

Q Should it not be to the one above, Inspector of armaments?

A Yes; I cannot understand how this mistake could happen. I did not see this diagram before this. This is the first time I have seen it. I didn't know.

Q And you mentioned its accuracy without having examined it beforehand, is that so?

A I assumed it to be the same chart which I saw but before it had been completed. Mr. President, yesterday when I presented it, this chart, I mentioned that there might be a few discrepancies. These discrepancies came in when it was being mimeographed. But I did not see the final --

(Dr. Servatius came to the lecturn and microphone.)

THE PRESIDENT: Dr. Servatius, these questions may give rise to further questions from you on re-examination, but there is no ground for objection to them; they are perfectly proper.

Q Defendant, you did take part in the conferences of Central Offices of the Four Year Plan.

A Only in part, only when labor problems were being discussed.

Q Will you please tell the Tribunal what associates of yours accompanied you or represented you at such conferences?

A That varied -- Dr. Timm, Dr. Hildebrandt, Dr. Stothfang, But it varied.

Q Who among the other Defendants were the people who also assisted at these conferences? Can you tell us?

A I recall with certainty only Mr. Speer, who participated in these conferences That is, of the Defendants who are here. Whether Mr. Funk actually participated, to the best of my knowledge I cannot recall. He may and he may not. I am sorry I can't say.

Q And the defendant Goering?

A In the sessions of the Central Planning Board I personally never saw the Reichsmarshal but I do not know whether certain conferences which took place with him were carried on in line with this Central Planning Board. There were some conferences in which he participated. Some of these took place at Karinhall, when that was under the name and in the case of Central Planning. But I don't know; it wasn't always clear.

Q But when the Defendant Goering or Funk, for instance, did not take part in these meetings were they not represented there?

A The Reichsmarshal was represented by Field Marshal Milch, but whether Reich Minister Funk was represented I cannot tell you today from my exact memory. He might have been represented by Mr. Kerl or someone or other. There were many gentlemen but I did not know all of them personally.

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Q Is it not correct to say that at these conferences of the Central Four Year Plan that the general decisions about the utilization of manpower were taken by the majority of people who were present or represented?

A In the Central Planning Board no general decisions were made. The demands were voiced there and since there was always a dispute the higher levels had to decide. That clearing had to be taken care of with the Fuehrer and that happened frequently.

Q The Central Office of the Four Year Plan had established a collaboration between itself and the people who were present or represented, is that not so?

A That collaboration did not originate there for those questions had be discussed before the formation of this board. The question had been discussed, the demands had been set up and had been discussed.

Q Will you please take document R-124. It has already been handed to th Tribunal under number U.S.A. 179. You will see therein a declaration which yo made at the meeting of the 1st of March 1944.

(witness handed document)

I read:

"My duty towards the Fuehrer" --

A Will you please tell me the page from which you are reading?

Q Page 1780. The place is no doubt marked.

"My duty towards the Fuehrer, the Reichsmarshal and Minister Speer I shall fulfill. A first step has been taken.

Already 262,000 workers have arrived and I hope and I am convinced that I shall obtain most of what has been asked. We will have to decide in which manner the work will have to be distributed according to the needs of the German industry and I shall always be disposed to remain in connection with you gentlemen to h in the prosecution of manpower and to assist you. This collaboration will go w

Therefore, you do not contest the fact that the Central Office of the Four Year Plan did establish the collaboration amongst the various ministries who produced manpower because you asked for this collaboration.

A I did not dispute a collaboration. Collaboration is present in every regime and in every system and it is necessary. We were not concerned with foreign labor but chiefly with German labor at that period of time. I did not di

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pute the fact that work was being carried on but final decisions were not always made there.

Q Is it correct that you named representatings who represented you wi German industry?

A I did not have representatives at the various administrative agenci I had liaison emn or the administrative agencies had them with me also.

Q Did you know of a liaison agent, as you call him with Minister Speer Minister for Armaments and Munitions?

A That was not a liaison agent who was constantly with Speer but who dealt with the current questions of demand and Mr. Berk was his name. He discussed these questions with the Minister.

Q And with the Reich Labor Ministry, did you have a liaison agent?

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A The Reich Labor Ministry, no I had no liaison men there. There were two branches in the Reich Labor Ministry which concerned themselves with these problems in an administrative capacity.

Q In your interrogatory of the 12 of September, 1945, you said as follows:

M. HERZOG: The Tribunal will find it on pages 6 and 7 of the interrogation that I havd handed to you.

(witness handed document)

BY M. HERZOG:

Q "I had moreover two liaison agents with Minister Speer and the armaments industry.

"Question: Did this liaison agent establish a connection between your ministry and Minister Speer and of the Labor Ministry?

"Answer: Between my ministry and the Labor Ministry".

A Will you please tell me the page?

Q Pages 4 and 5. Have you found it?

A Yes.

Q "Between my ministry and Minister Speer and the Labor Ministry."

THE PRESIDENT: That is page 6, is it not?

You said pages 4 and 5. It is page 6, is it not?

M. HERZOG: Of the German extract, my Lord.

THE PRESIDENT: Very well.

BY M. HERZOG:

Q "Between myself and Minister Speer and the Labor Ministry there were two counselors. They were experts of national economy. Dr. Stothfang was particularly charged with the liaison with the Labor Ministry."

Why did you tell me a few minutes ago that you had no liaison agent with the Minister for Labor?

A I emphasized the fact that there were two divisions or branches in the Labor Ministry and that Dr. Stothfang, this Ministerial Director, was in the beginning, the personal expert to State Secretary Syrup and in very few isolated cases he had conferences. He carried on these conferences at my request but these were insignificant. In general, through these departments, there was some connection with the Ministry.

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Q You confirm then, that you had a liaison agent at the Labor Ministry and another one in Minister Speer's office.

A I am confirming that for occasional conferences but these gentlemen were in these departments and they were with me as my personal experts. They were not in the other ministry, in the Labor Ministry and I cannot say either whether in this case the translation is exact, I do not remember exactly but in principle and in general it is correct.

But I should like to emphasize that these gentlemen were with me rather than the Labor Ministry.

Q And will you please tell the Tribunal what was the "Stabsbesprechung"?

A "Stabsbesprechung" was a conference of experts on special matters in which the various ministries who demanded workers participated and at this conference these questions which had to be considered were discussed. It was a staff conference. I could not act independently, of course, as you know.

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Q Who instituted this conference, this new organism, this "Stabsbesprechung", staff conference? Who took the initiative in instituting it?

A These staff conferences were instituted by me so that a correct clarification of these problems could be brought about because nothing can ever be brought about in a vacuum. In no regime or government in the world can that be done.

Q You confirm then that these various kinds of liaison imply a common responsibility as to decisions taken by each one of you in the matter of manpower?

A This question is not clear to me technically or administratively for I could not do anything with the workers. I had to give them to other people and I had to discuss this problem but in the sense of a conspiracy or of a criminal act these conferences did not take place. These were conferences as had taken place under parliamentary systems and under a parliamentary system we had these same conferences.

Q That is not what I was asking you. I was asking you whether you had confirmed that the existence of these liaison agents to Minister Speer and the Labor Minister on the one hand and the existence of this new organism that you created on the other hand, whether these circumstances implied a common responsibility in the decisions as regards manpower to be taken by Minister Speer, Minister for Labor and by yourself?

A I cannot answer this question with a mere no, since demands were put to me and as a German official I had to comply and in order to comply with them I had to hold confe rences. It was not possible for me otherwise for I personally did not demand these workers but the German economy demanded these workers and this matter had to be settled regardless of whether German or other workers were concerned and the same situation applied in normal times.

Q Is it a fact that after the ordinance appointing you, you were authorized to get your representatives into the military and civil departments in the military occupied areas by special appointees?

A After the 30th of October -- but I cannot fix the exact date --

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at the behest of the Fuehrer appointees were appointed by me for the occupied countries and I mentioned this yesterday to my counsel.

Q You said on the 30th of October. I believe it is the ordinance of the 30th of September to which you refer.

A I am sorry, I do not know the exact date.

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Q Is it right that these nominees, under these ordinances, were directly subordinate to you?

A Insofar as they were my plenipotentiaries, they were subordinate to me along these lines.

Q Is it right that they were authorized to give directives to the civilian and military authorities of occupied territories?

A That is correct according to the sense of the directives and orders but it is not true generally.

Q Who was your delegate with occupation authorities in France?

A The delegate withthe occupational authorities in France was, first of all, President Ritter; he was murdered in Paris. And after him, President Glatzel.

Q Did you have a nominee in Belgium?

A In Belgium I had a nominee by the name of Schulze; he was with the military authorities there.

Q And in Holland?

A In Holland there were various men; first of all, Mr. Semidt, and there was another man. I believe his name was Ritterbusch or something like that; but I don't recall the exact name.

Q This system of representatives with the occupation authorities, was that approved of by Defendant Speer?

A This happened at the request of the Fuehrer and I assume that Speer agreed. I believe he did, also, suggest it as far as I know.

Q To your knowledge, did he take any initiative in the decree taken by the Fuehrer concerning this matter?

A Yes. I was present and I recommended it.

Q In your interrogatory, you said that Speer instituted these office for manpower in 1941 or 1942. What do youthink of that phrase?

A I did not quite understand you.

Q I shall read from the transcript of your interrogation in 1945. "Question: Was the mission entrusted with your representatives in the Labo Offices of the Military Governor, the Civil Governor, or were they simply

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councillors whose counsel could be rejected by the Commanders or did they have authority to give directives to the military authorities on these questions?"

M. HERZOG: Page 9, Mr. President.

BY M. HERZOG:

Q "Answer: In 1941 or '42 Speer instituted representatives for manpower." I would ask you what you think is the meaning of that phrase when you said that in 1941 or 1942 Speer instituted representatives for manpower?

A I will have to say, in this connection, I never again saw the minutes after I had been interrogated. I cannot confirm this as to 1941-42 and I cannot imagine that I expressed myself that way during the interrogation.

Q The Tribunal will weigh your answer. Is it correct that besides the delegates that represented you in the various ministries you had installed administrative offices for manpower in the occupied territories?

A That is not correct. They had already been there.

Q You confirm there that besides the delegates that represented you there were recruiting agencies for manpower in the occupied territories?

A Yes. In the occupied territories, with all regional authorities, either civilian or military, there were departments dealing with manpower which were a part of the administrative setup, and they were subordinate to the administration authorities.

Q Can you give an indication of the size of the personnel of those various branches and services in the occupied areas?

A Do you mean the entire figure? As far as individual and detailed figures are concerned in administration, that I cannot tell you from my recollection and I never even did know those figures exactly.

Q Do you remember, at the conference which took place on the 16th of July, 1944, in the presence of the labor organizations in the various European territories, on the 13th of July, 1944, in the afternoon, State Councellor Boerger gave an account of the personnel employed.

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M. HERZOG: I will hand that to the Tribunal under the number of 1507.

BY MR. HERZOG:

Q I will read on Page 29. "Counsellor of State Boerger. Outside of the frontiers of the Reich in the administration of manpower there are 4,000 people; eastern area, 1300; France, 1016; Belgium and Northern France, 429; Netherlands, 194." Do you confirm this confirmation of Counsellor of State Boerger?

A Yes, in general that is true.

Q Apart from your representatives, apart from those officers that we were talking of, did you not create, in France, commissions composed of specialists who were entrusted with the organization of the employment of manpower on a German pattern? ----- Would you please answer?

A I didn't quite understand the question. Please repeat it.

Q I shall repeat it. Outside of your representatives, apart from the services that we have been talking of, did you not create, in France particularly, commissions composed of specialists who were entrusted with organizing the recruiting and the employment of manpower following the German pattern?

A I told my defense counsel yesterday that I worked in collaboration with French units for recruiting manpower.

Q That is now it. I am talking to youof commissions for the purpose of combing the manpower supply. Do you not remember, in order to insure the recruiting of manpower in France, that you thought of the system of attaching two French departments to a German Gau?

A I recall just now that which you are talking about.

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Price

That was in agreement with the French government and these groups were instituted between one German Gau and one French department. They had the task, as far as the workers who were to come to Germany, of telling them about conditions in Germany and were to have conversations with the departments in France about possibilities and to put down statistics.

M. HERZOG: I hand to the Tribunal 1293 PS, which becomse French document RF-1508.

BY M. HERZOG:

Q. It is a letter bearing your signature, dated Berlin, 13 August, 1943, of which I shall read extracts.

M. HERZOG: The Tribunal will find it in the document book which I handed to them at the beginning of this session.

BY M. HERZOG:

Q. To begin, I read the last paragraph on Page 1.

THE PRESIDENT: I am afraid I haven't got it.

M. HERZOG: Mr. President, the documents with figures in my document book were handed to the Tribunal this morning -- unless I am making a mistake, for which I apologize in advance -- in the order in which I intend to use them. I did that, in the event of my using them several times, so that the Tribunal could find them more easily. May I now begin to read?

THE PRESIDENT: I am sorry but the documents hadn't been handed up to me, that is all. None of them had been handed up.

BY M. HERZOG:

Q. I am reading at the bottom of Page 1: "The application of the two points of the manpower system demand a stronger and a better organization of German manpower and especially as regards the procurement of the necessary personnel. This will be done by a system of adoption by German provinces. France has got about 80 departments. Greater Germany is divided into Gaus and for the procurement of manpower it is divided into 42 districts. Each district will take over and adopt about two French departments. Each German district will furnish for these departments a commission of specialists, of the ablest experts. These commissions will organize the levy of manpower in

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these departments according to the German practice."

I resume reading at the bottom of Page 2 of the French text. That is Page 3 of the German translation: "There is no doubt about their projected adoption by German Gaus for the production of manpower in Germany and especi for the necessary transformation in the interest of Germany interests of French manpower for the armaments industries in France. This system will h enormous advantages."

I am passing to the bottom of Page 3 of the French text. I am reading small "d2 "The Central German manpower service in Paris is the representativ of Plenipotentiary and his office."

You told me a short while ago that the German manpower recruiting servic in the occupied territories was not under the direction of you as a plenipotentiary but depended on the local authorities. How do you explain this phrase?

A. It can be explained very simply. Those men were subordinate to the military commander or chief in the department. They were sent over by Germany and they were taken from the German Labor Offices and were taken int the administration there.

Q. You say that the Central Labor Service in Paris, that is the representative of the Plenipotentiary and his assistants. The representativ of the Labor Service in Paris was therefore your representative?

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A The German Labor Board in Paris was a part of thecivilian administration of the military commander-in-chief of France. This is not expressed in the sentence, for I took it for granted that the Gauleiters knew about this; and the picture as I set it down is entirely correct.

Q I shall continue reading.

"The Central German Service in Paris" -- that is, the representative of the plenipotentiary and his office --

A (Interposing) Monsieur Herzog --

Q (Interposing) Please allow me to finish.

"They will have, therefore, 12 French organizations to give a good understanding of the French problem, in spite of essential pacificism and resistance which is even certain of French Bureaucracy at all its levels. Therefore, I have entrusted the president and the managers of newly formed Gau authorities to create a newly formed organization in departments attached to them; and I request you in accordance with the wishes of Comrade Bormann to give a favorable reception to the new mission that has been entrusted to your Gau."

Are these measures not put into effect in an attempt to subordinate French manpower to German manpower in Germany?

A Yes. But I should like to ask you and to ask the High Tribunal to be permitted to say and read the following for clarification purposes. On the first page in Paragraph 1-- and I am starting to cite fromthe third line -- it says, "Under complete agreement with the Fuehrer, I am in agreement with the French government chief, in France" -- and this is the decisive point -- "and the competent German authorities -- that is, the military commander-in-chief with whom this plenipotentiary had been working and to whom he was subordinate -- "that extensive measures would be taken."

And on Page 4, I should like to read, "The special purpose for this adoption system was not to be unfriendliness" -- I am reading from Page 4 inthe German text, under the letter "A" -- "prejudice, suspicion, or lack of care, but the stopping and taking care of complaints" -- that is, complaints by the workers -- "which are working

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to the detriment of German manpower, through the relations between the adopted Gau and the adopted department. All of these things can be stopped."

Now I am reading under Point B: "Each French worker in such a department knows exactly where and under what conditions he will have to work in Germany. He will be told about the locality in which he will have to work through German propaganda and enlistment material. He will be informed about all matters which are of interest to him. And that was the purpose of that arrangement.

Therefore, it was something favorable, and it was in favor of the French workers.

Q Please answer my question with "yes" or "no". This arrangement was to bring about that questions which had not been settled between the French Departments and industries on the one hand, and the authorities in Germany under which French workers were to be used, were to be cleared and settled. That was the actual purpose, to clear the situation and to solve problems.

THE PRESIDENT: We will adjourn now.

(a recess was taken)

BY M. HERZOG:

Q Defendant, is it exact that your co-defendant Goering placed beneath your control all the organizations of the Central Office of th 4-Year Plan which were concerned with the recruiting of labor?

A The various organizations of the 4-Year Plan which had to do with laborwere dissolved. Only Departments 5 and 6 of the Labor Ministry continued to deal with these matters.

Q Is it exact that thepowers of the Minister of Labor concerni labor were transferred to you, and that as a result of this transfer, powers concerning regularization and regulative powers were also tr ns ferred?

A Only in the sector of Departments 3 and 5 were they connecte with my own task. The remaining functions of the Ministry of Labor remained entirely on its own, under theReichminister for Labor.

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Q But within the cabinet you exerted the powers of a minister of the Reich, before the transfer; that is to say, as plenipotentiary for labor?

A Within the work of my department, as GBA. But I must emphasize that these departments were not under my jurisdiction; they were at my disposal. And that difference was very strongly noted at the time. It applied to the whole Ministry of Labor.

Q But as a result of this situation, you exerted some administrative autonomy in matters concerning labor?

A Not an autonomy, but only based on elections. In the case of all decrees, I could not issue decrees everywhere, but could only give instructions; and it was necessary to have the agreement of other administrative bodies and Reichsministries, and, of course, the fellow's agreement.

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Q Did you not have from the Fuehrer carte blanche (full power) for the recruiting and the utilization of labor?

A Not for the recruiting and exploitation, it says, but for the steering and directing. If I may say so, it was never the case of the agent for labor and that is, of course, organization of labor, who employed these workers himself -- the firms employed the workers.

Q For the recruiting of labor you had full powers; isn't that true?

A Not alone and only after there had been a vote and after the agreement of the officials concerned had been obtained. I myself didn't recruit laborers in France without the express agreement of the French government or their officials and collaborators. The French administration was included in such a case.

Q Defendant Sauckel, you have invoked on several occasions the agreements and obligations which were assumed in France by those whom you call, yourself, "the leaders of collaboration." You know better than any other that these leaders of collaboration, imposed upon France by the enemy, only engaged themselves and obligated themselves and that their acts were never ratified by the French people as an entity. Besides, these leaders of collaboration, whose testimony cannot be suspect to you, have revealed themselves pressure which was exerted upon them and we will discuss that now. Is it true that on the 16th of April 1942, that is to say, one month after your nomination, you stated in a letter to the defendant Rosenberg which states your program and which was presented to you today -- you included in this letter, the recruiting of foreign laborers in your program of the utilization of labor?

A I resent the expression "exploitation." By strictest orders by the Fuehrer, recruitment of foreign workers, that is true, had to be included in my program.

Q It is exact that you included the recruiting of foreign laborers in your program, 16 April 1942; you admitted this yesterday, and I ask you to confirm it.

A Yes, it is true. I only emphasize that I did it by the strictest orders from the Fuehrer.

Q Is it exact that this program of 16 April 1942; that is to say,

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three weeks after your nomination, you also included already the principle of forced recruiting?

A It was done by special order of the Fuehrer, as far as voluntary recruitment didn't suffice. I said that yesterday.

Q Yes, you confirmed it. Do you remember the announcement that you made on the 29th of August 1942 -- this decree fixed by priority the utilization of labor in occupied territories; decree No.6 of the 22nd of August of the General Plenipotentiary for the utilization of labor. It was handed to the Tribunal as RS-17(?). Do you remember it?

A I do remember the order, yes.

Q Was this decree applicable to the occupied territory which was underneath the German administration?

A As far as I can remember -- and I can't at the moment remember the exact wording of every paragraph of that decree -- there was an arrangement for the regulation of working conditions regarding those people who were taken in by German firms. The purpose was to prevent a muddle.

Q Is it exact that you went on a mission to Paris in August 1942?

A That is possible but I can of course not remember the individual dates.

Q Is it exact that you went on a mission to Paris in January 1943?

A That is also possible, quite probable.

Q Is it exact that you went on a mission to Paris in January 1944?

A Also probable, yes, but I don't know the individual dates.

Q You therefore went on missions to Paris before the French authorities, the French de facto authorities, had published the legislative decrees of September 4, 1942, of 16 February 1943, and of 1 February 1944; isn't that true?

A I didn't understand your question exactly.

Q I asked you whether it is exact, that before the French de facto authorities published the three big laws on forced labor of September 4, 1942, 16 February 1943, and February 1, 1944, that you went on missions to Paris in France?

A I only went on journeys to Parisfor the purpose of negotiating

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with the French government, and I want to say to that, that for me and in accordance --

Q No, you will explain later. Do you recognize that in the course of these missions, you imposed on the French authorities the laws on forced labor?

A That isn't correct in that way.

Q You, therefore, contest the fact that the laws on forced labor were drafted under pressure from you?

A I deny that the word "pressure" is applicable. I negotiated properly with the French before such decrees and laws were published and I resent the word "pressure"; and there were witnesses during these negotiations.

Q Do you remember the telephone conversation that the defendant Speer had with you from the Fuehrer's headquarters on January 4 1943?

A Well, very probably. I have had several discussions with Speer and I don't know which particular one you are referring to.

Q Do you not remember a note that you sent to your offices as a result of this telephone conversation of January 4, 1943?

A Quite probably. I had several notes put to my files which might have dealt with these telephone conversations I had.

Q I present to you document 556-PS, which has already been submitted to the Tribunal under the No. USA 194 and RS-62. I read that document or at least its first paragraph: "January 4, 1943. At eight o'clock in the evening, Minister Speer telephoned from the headquarters of the Fuehrer in order to inform that according to a decision of the Fuehrer, it is not necessary in the future, when specialists are employed for auxiliaries in France, to have any special respect for the French. One can also in that country use pressure or employ more severe measures in order to procure labor." I ask you, defendant, what you mean when you say that it is not necessary to have any special respect for the French?

A This note or rather this decision wasn't arrived at by me. This was information which came from the Fuehrer's headquarters, based on a decision made by the Fuehrer. In spite of that -- and I want to emphasize

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that particularly -- my attitude towards the French government did not change and it doesn't say so in this document either; just as before, I adhered to the same polite principle with which I used for these negotiations and I beg the Tribunal to ascertain, by means of a short statement, how these negotiations for the French government were conducted.

Q You will give it later in your interrogation. Do you remember the discussion that you had on the 12th of January 1943, at the German Embassy in Paris, with the French authorities?

A As far as I know, I have only talked to French Ministers in the German Embassy in Paris.

Q That is exactly what I am asking you. Do you remember this conversation that you had with the French authorities on the 12th of January 1943?

A Not in detail, no, but that I did negotiate is possible.

Q Do you remember the persons who took part in this conversation?

A Yes; usually the French Prime Minister, Minister Bichelonne used to participate in such negotiations and on the German side, the Ambassador and on behalf of the military commander, Dr. Fischer, and Dr. Hildebrandt coming from me or some such official.

Q. And you do not remember what Laval said to you at this meeting of the 12th January?

A. Very many matters were discussed in great detail during such conferences, and I don't know what you mean.

Q. Well, I will submit to you the minutes of this meeting. It is Document 809, which I submit to the Tribunal under the number RF-1509.

In the course of this discussion, Laval made a long declaration to you, more exactly, several declarations.

THE PRESIDENT: Where shall we find them?

M. HERZOG: It is in my document book, Mr. President.

THE PRESIDENT: Oh yes, I have got it.

M. HERZOG: It must be marked with a slip 809.

BY M. HERZOG:

Q. First, I read page 7 of the French text and of the German text:

"Gauleiter Saukel demands again 250,000 new workers. Gaulieter Saukel knows very well, and his offices have certainly informed him on this fact, the difficulties which the French Government faces and has assumed in order to achieve the program. The Gaulieter must realize that as a result of the number of prisoners and workers who are already employed by Germany, the sending of abother 250,000 workers will increase even further the difficulties of the French Government. I cannot conceal these difficulties from the Gaulieter because they are evident, and the Germans who are in Paris know these difficulties.

"The Gaulieter answers to me that they have had to overcome the same difficulties in Germany, and French industry must face them too now. It seems to me that I can remind him that Germany not only demands workers of France, but also is beginning to take away the machines from factories in order to transport them to Germany. France has nothing left. She still had, until now, the means of production. If these, too, are taken from her, France loses even the possibility of working.

"I do everything in order to facilitate the German victory, and you see that Laval could not be suspect to you, but I must also admit that German policy imposes upon me nearly every day heavier exactions, without these being able to be included within definite policy.

"Gaulieter Saukel can tell the German workers that they must work for

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Germany. I cannot say that Frenchman are working for France. I see that in many fields the French Government cannot act. One would almost believe that on the German side they attach no value to the good will of Frenchman, and that they are inclined to institute in all of France a German administration. My task is being made more difficult every day. It is true that I do not allow myself to be discouraged, but I esteem, however, that it is my duty to remind the Gauleiter of the gravity of Franco-German relations, and of the impossibility of continuing along this path. It is no longer a matter of a policy of collaboration, but, on the French side, a policy of sacrifice, and on the German side, a policy of constraint."

I pass to the next page, page 11:

"The present state of mind in France, the uncertainty concerning the means which the French Government possesses, the half-freedom in which it finds itself, all these do not give me the necessary authority to supply to Gauleiter Saukel an immediate reply. We can do nothing. We are not free to change salaries; we are not free to combat the black market; we can take no political measures without everywhere coming up against a German authority which has substituted itself for ourselves.

"I cannot guarantee measures which I have not taken. I am persuaded that the Fuehrer does not know that the French Government cannot act. There cannot be, in one country, two governments on questions which do not concern directly the security of the occupation forces".

I skip two more pages, to page 18, and I read only this sentence:

"It is not possible for me to have only power of attorney for the German measures of constraint".

That is the document which I submit to you, Defendant, and I ask you two questions concerning it.

The first question is: What did you answer to the President Laval when he made this declaration to you?

The second one is: Do you not think that there is there the proof of the pressure which you contest?

A. First of all, if the Tribunal would permit it, I should have to read my reply to President Laval. But then, it has been proved, and this has been confirmed to me by President Laval, that I did not negotiate

directly with him always, and in spite of the fact that I had orders not to conduct political conversations, but only to deal with my actual task, I did always report to the Fuehrer about these matters. But I think that the tone of my reply was definitely without reproach with reference to these negotiations which I conducted.

Q. That is not the question that I asked you. I asked you what you answered him when he made this remark to you, when he said to you, for instance, that it was not possible for him to act with power of attorney for German measures of constraint.

A. I would have to read my answers. I myself cannot now remember them.

Q. Di you therefore contest the fact that this represents pressure?

A. President Laval did not complain about me in this connection. He was complaining about general conditions in France, because this was the time of occupation. The situation was that there was a German occupation army.

Q. Well, I am going to submit to you Document --

DR. SERVATIUS (Interposing): Mr. President, regarding the note for the files, I should like to draw your attention to an error of translation which will lead to considerable misunderstanding. According to this note, it says that the recruitment could be started with emphasis and more sever measures, and the word "emphasis" has been translated by "pressure" into the English. But that isn't meant. It isn't"pressure"; it is "Nachdruck", "emphasis". That means that the next authority can be approached with energy.

THE PRESIDENT: I am told that the translation we have got is "emphasis".

DR. SERVATIUS: "Pressure".

THE PRESIDENT: No, No. The translation is "emphasis". It is in this document, and the translation in English is "emphasis".

DR. SERVATIUS: Oh, I had the French translation.

M. HERZOG: I am going to submit to you Document --

THE PRESIDENT (Interposing): Is this document in the PS series?

M. HERZOG: No, Mr. President, it is a new document which I am submitting now, a French document which will bear No. RF-1509.

THE PRESIDENT: Where did this document come from?

M. HERZOG: That document comes, Mr. President, from the archives of

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the Majestic Hotel in Paris, where were the German offices in Paris. Some months ago, these archives were found again in Berlin, and we have extracted from the the Saukel documents.

I submit to the Tribunal the certificate of origin of the Saukel files, as well as that of the documents which I intend to submit to the Tribunal in the course of my cross examniation. Perhaps, as the document is in French, the Tribunal would like me to read it.

THE PRESIDENT: Yes, read it, will you.

M. HERZOG: You mean this "Proces Verbale?"

THE PRESIDENT: What is this "Proces Verbale?" Who is it identified by?

M. HERZOG: This "Proces Verbale" is identified by two persons, by Commandant Henri, French liaison officer at the American Documentation Center in Berlin, and by my colleague M. Gerthofer, who, with Commandant Henri, took these archives.

THE PRESIDENT: Perhaps you had better read this Proces Verbale so it will go into the record.

"We, Charles Gerthoffer, Substitute, at the Court of the Seine, on duty with the International Military Tribunal for the major war criminals, having gone to Berlin to the offices of the Ministerial Collecting Center, Commandant Henry, Chief of the French Mission, gave to us, with the authority of Colonel Helm of the American Army, Chief of the 6889 Berlin Collecting Center, seven files from the Archives of the military commander in France concerning forced labor and registered as M.C.C. under the numbers: 3 DS, 1 to 213; 40 DS, Nos. 1 to 230; 5 DS, Nos. 1-404; 6 DS, Nos. 1 to 218; 7 DS, Nos. 1 to 118, and one annex, 1 to 121; 50 DS, Nos. 1 to 121; 50 DS, Nos. 1 to 55; 71 DS, items 1 to 10.

"We declared to Commandant Henry that we took the specified files in order to submit them to the International Military Tribunal for the major war criminals in order that they might be used in the course of the proceedings and that they will thereafter be turned over to the French Ministry of Justice, whose property they remain.

"This document, made in five copies of which one is to serve as an affidavit for the International Military Tribunal for the major war criminals.

"Signed/ Charles Gerthoffer."

This represents the certificate of origin of the files in themselves. I have a second certificate.

THE WITNESS: May I make a remark regarding the first document, please?

M. HERZOG: I will ask you not to interrupt me.

THE PRESIDENT: M. Herzog, the documents camefrom the Hotel Majestic, did they?

M. HERZOG: Yes, Mr. President.

THE PRESIDENT: The Hotel Majestic was theplace --

M. HERZOG: In Paris where the offices of the German Military Command in France and the various occupation offices were situated. These documents which had vanished at the time of the liberation, have been located again at the Ministerial Collecting Center in Berlin. The document which I have just submitted to you is a certificate of origin of these files, and I also have the certificate of origin of the documents which I have extracted from these files and which I am now ready to read to the Tribunal, if the Tribunal so desires.

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THE PRESIDENT: The Hotel Majestic was the place where theGerman Military Government was established in Paris; is that right?

M. HERZOG: Yes, Mr. President, unless I am mistaken. That is what I believe. Does the Tribunal desire that I should read to it the other certificate of origin; that is to say, concerning the documents in themselves?

THE PRESIDENT: I thought you had already read it.

M. HERZOG: No, Mr. President. I am submitting to the Tribunal two certificates of origin. The first, the one which I have just read, is the certificate of origin of seven files which contain very large numbers of documents. From these seven files we have extracted only a certain number of documents which we are submitting to the Tribunal, and that is why, after having presented the certificate --

THE PRESIDENT: It only says that the documents which you are submitting are documents which came from those files?

M. HERZOG: Yes, Mr. Chairman.

THE PRESIDENT: And this shows it came from the Hotel Majestic, which was the place where the German Military Administration was carried on. You will put the second document on the record?

M. HERZOG: I submit both of them.

THE PRESIDENT: Are you offering in evidence the original German documents?

M. HERZOG: Yes, Mr. President.

BY M. HERZOG:

Q Since you deny the pressure that you exerted on the government, I will submit to you document No. 1342-PS.

A I think that here there has been an error. I understood that you said did I deny that there was pressure upon the Tribunal. I respect this Tribunal much too much to try to exert pressure upon them. You see, I understood you asked me whether I denied that I exerted pressure upon the Tribunal, and, of course, that question I had to answer with No.

Q I said to you, Since you contest the fact that you exerted pressure on the French authorities, I submit to you a new document. It is document 1342-PS, which has already been

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submitted to the Tribunal under No. 63 R. F. This document represents the minutes of a meeting which you held on January 11, 1943 in Paris with various German authorities, occupation authorities. Do you remember that on this occasion you made a declaration concer. ing your relations with the Vichy Government? I will read this dec. ration to you. It is on page 4 of the French and German texts.

A Unfortunately, I am not able to find it.

Q I will read that declaration:

"The French Government--" It is the last paragraph before the end of page 4.

"The French Government is composed of specialists in delay. If the first 250,000 workers had arrived in time--"

THE PRESIDENT: It does not appear to be the last one on page four of our copy.

M HERZOG: The last paragraph but one on page 4 of the French text.

THE PRESIDENT: That begins, "It is regretable--"

M HERZOG: That is the paragraph, Mr. President. I am quoting the second sentence.

BY M. HERZOG:

Q "The French Government is composed of specialists in delay. If the first 250,000 workers had arrived on time, that is to say, before autumn, in Germany, after the negotiations had already begun with the French Government in the preceding spring, we might perhaps have been able to mobilize technicians earlier and to set u new divisions and not reach the siege of Stalingrad. In any case, the Fuehrer is now absolutely decided to reign in France, perhaps even without a French government."

When you made this declaration, did it not reflect the pressure which you were exerting on the French Government?

A This is not a conference with a French Government. This is a statement of fact.

Q I did not pretend that it was a conversation with the French Government. I asked you what you meant when you stated that the Fuehrer was disposed to reign in France, even without the French

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Government.

A That was straightforward decision and a statement from the Fuehrer, for which I am not responsible. I merely repeated it, and in any case it was never realized.

Q Why did you transmit it to the occupation authorities i France in the course of a conference that you were holding with them concerning the recruitment of labor?

A Because it was my duty to give a description of the situation as I saw it at the time.

Q But don't you think that in expressing to them this declaration of the Fuehrer, you were making of it an element of pressure?

A I could not exert any pressure through that means, because it was merely a transmission of the state of affairs. I did not tell the French Government that the Fuehrer would overthrow the and that therefore they would have to do that. I did not behave li that.

Q But you did state, and I ask you to confirm it, you did state in the course of a conference that the Fuehrer was decided to reign in France, even without a French Government? Did you say that? I ask that you answer me Yes or No.

A Yes, I repeated that, but not with the intention --

Q Do you remember the discussion which you had on 14 January 1944 in Paris with various German personalities?

A It is possible that I had a discussion there at that ti but I cannot remember at the moment what it was.

Q You do not remember a discussion which you had on 14 January, and you do not remember the German personalities who were present at this meeting?

A Probably there were several conversations, and I cannot tell you now which one you are talking about. Of course, I cannot remember, either, what the actual subjects of the conversation were.

Q On 14 January 1944 you had a conversation in Paris with Abetz, von Stuelpnagel, Blumentritt and others. Do you remember that in the course of this discussion you submitted to your listener

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the draft of a law which you had drafted and which you wanted to impose on the French authorities?

A I was not trying to impose it. I was trying to discuss it. I was negotiating. I was not trying to impose it upon them. The wording of the record shows that quite clearly.

Q Do you contest the fact that you yourself drafted a law which you transmitted to the French Government?

A That I do not deny. That I submitted such a draft law and that I drafted it, that is something I don't deny.

Q Do you admit that you yourself drafted this draft law?

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A Yes, but I can't tell you which one you mean.

Q I submit to you French document number 813, which I submit to the Tribunal under the number RF-1512. It represents the minutes of this meeting of January 14, 1944 and it is document number 813.

These minutes are signed by Abetz, Oberg, von Stuelpnagel, Blumentritt, and yourself.

THE PRESIDENT: Can you tell us where it comes in this brief of yours? Because it isn't marked on mine.

M. HERZOG: Document 813, Mr President. It comes immediately after the one which I have just submitted. It must come immediately after 1342-PS.

I have just submitted to the Tribunal document 1342-PS. Then I skipped one document, which I am not utilizing. Then comes 813 after that one.

THE PRESIDENT: I see, yes/

BY M. HERZOG:

Q I read from paragraph III: "The German delegate elaborated a draft law for the French Government." I stop quoting there.

Do you still contest the fact that you yourself elaborated draft laws which you submitted to the French Government?

A That I do not deny; I had to submit a proposal. However, it was based on mutual negotiations.

Q Do you contest the fact that you imposed this law by pressure?

A That this law would have been imposed through pressure -- that I do not deny. I negotiated about it.

Q Do you not remember that you gave an account to the Fuehrer of the mission which you had achieved in Paris in June 1944?

A It was my duty to report if I made such journeys. They were tasks of the Fuehrer which I was carrying out.

Q I submit to you this report, document 556-PS, which was brought before the Tribunal under number RF-70. On two occasions, in the course of this report you speak of German demands. Do you not believe that to give an account to the Fuehrer of German demands having been accepted is to give an account to him of the success of the pressure which you exerted?

A I cannot imagine in what other way a basis for negotiations could come about in this world. The German Government made demands; because of those demand.

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there were negotiations with the French Government, and they were considered by me to be legal.

Q Do you admit, therefore, that the German Government, and you who were its agent, were making demands? Please answer yes or no.

A The German Government was making demands; yes, that is true.

Q Thank you. And the demands or exactions -- did they not, at times, take the form of veritable ultimatums?

A That I am well aware of. I can only say that I was very polite when talking to the French Prime Minister and that our negotiations ran very smoothly. That was expressed by him, and it is in the record.

Q What was your action, in 1944, concerning mobilization of the class of 1944? Do you not remember that you demanded this mobilization in a veritable ultimatum. Answer yes or no.

A I cannot say so from memory.

THE PRESIDENT: M. Herzog, I think you might put to him the last sentence in the letter of the 25th of January 1944, 556-PS.

BY M. HERZOG:

Q "I have, however, let no doubts exist concerning the rigor of the measures which would be taken should the demands concerning the transfer of workers not be met."

A Yes, I probably said that.

Q You admit it?

A Though not in the form in which it is

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put down in this document.

Q Do you not remember that on June 6, 1944, the day of the dawn of our liberation, you addressed a letter to Ambassador Abetz?

A I cannot tell you that from memory.

Q Well, I am going to produce this letter. It is French document 822, which I submit to the Tribunal under the number 1513-RF.

"June 6, 1944. Paris.

"Your Excellency the Ambassador, and my dear Party Comrade Abetz:

"The invitation which has been long ex ected has finally begun. This, therefore, ends the period of waiting for the Arbeitseinsatz, whichwas used a an unspoken pretext for the fact that delivery of manpower into the Reich was impossible, owing to the political atmosphere reigning in the country."

I skip a few lines and I quote again.

"Now that the German soldier must again fight and bleed in the region of the Channel, now that the struggle can extend, hour by hour, to many other French territories, any call or any words from Laval can be of no weight whatsoever. The only language which can now be understood is that of the German soldier.

"I would beg you, therefore, in these decisive hours to ask President Laval to finally do something which will certainly be very difficult for him; that is to say, that he should at last deign to sign the order for the conscription of the class of 1944.

"I do not wish to be kept waiting any longer. Neither do I wish to leave with an opinion which might be unjust, but which, at the same time, will force itself upon me, concerning the temporizing of the French Governmen

"I beg you therefore, instantly, to obtain -- by tomorrow morning, 10 a.m. -- the signature of the President of the French Council of Ministers on the decree for the mobilization of the class of 1944, or else to inform me directly in the event that Laval answers with a categorical 'no'. I would not accept, under any form, dilatory excuses since all technical preparations regarding the division of the departments, as well as the channels of tranposrt, have either been made or are now at the point of being made, thanks to our constant discussions."

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Do you not call this a veritable ultimatum?

A It is only an ultimatum in so far as my departure was in question, and nothing else. Any pressure, or any threats against Laval, could not be used by me.

Q What did you mean when you said, "I beg you, therefore, instantly, to obtain -- by tomorrow morning, 10 a.m. -- the signature of the President of the French Council of Ministers on the decree for the mobilization of the class of 1944, or else to inform me directly in the event that Laval should answer with a categorical 'no'. I would not accept, under any form, dilatory excuses."

Is that not an ultimatum?

A It is only an ultimatum in so far as I could not wait any longer. I had to leave, because I had orders to leave.

Q Thank you.

A I was trying to get a decision, a yes or a no, nothing else.

Q And the demand of an answer of yes or no -- you do not consider that an ultimatum, defendant Sauckel?

A I had to leave, and I wanted a decision as to wether the French Prime Minister would sign it or not.

Q Thank you. The Tribunal will appreciate that.

Do you know how many French workers were deported into Germany as a resu of your various actions?

A So far as I can remember -- and I can't be exact offhand -- there were seven to eight hundred thousand French workers used in Germany. However, I can't tell you exactly.

Q Is it exact that in Belgium and in the North of France the deportatio of workers for forced labor was regulated by the legislation of the occupatio army?

A I don't know about the legislation of the occupation army; the Administration of Labor did that.

Q Is it exact that it was an order of October 6, 1942, which institute forced labor in Belgium and in the North of France?

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A We called it military duty in accordance with German law. That is correct.

Q Is it correct that General von Falkenhausen, the German Commander in Belgium and in the North of France, signed the order of October 6, 1942, and did it under pressure from you?

A No, he didn't sign it under pressure from me, because I talked to him about it and there wasn't any argument. This happened at the request of the Reich Government and the Fuehrer, everyone.

Q I submit to you the interrogatory of General von Falkenhausen who testified before a French Magistrate on November 27, 1945. I submitted this interrogatory under No. RF-15 in the course of my exposition in January of this year. I read from page 1. I take up question 3:

" Question: Will you swear that you will give the truth, nothing but the truth, the whole truth?

" Answer: I swear.

"Question: October 6, 1942, there appeared an order which instituted forced labor in Belgium and in the departments of the North of France "--

I skip two lines.

" Answer: For the north of France and of Belgium, yes.

"Question: Does the witness remember having promulgated this order?

" Answer: I do not remember exactly the text of this order, because it was drafted -- done -- as the result of a long argument, a long fight -- with Sauckel.

" Question: Did you have any difficulties with Sauckel?

" Answer: I was fundamentally opposed to the institution of forced labor and it was only after having received orders that I consented to edict the order."

Do you still deny that General von Falkenhausen issued this order under pressure from you?

A I deny the version as it is put before me now, emphatically.

Q You dispute the testimony of General von Falkenhausen?

A In this version, yes, because --

Q This testimony was given under oath and is submitted under testimony today. The Tribunal will appreciate it.

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A I am fully conscious when I say that to the best of my recollection this version is not completely correct. Legislation regarding labor in occupied territories wasn't carried out on my order but upon order of the Fuehrer, and I have not had any discussions about that with General von Falkenhausen. We had a very agreeable chat and he introduced the law. I do not remember that I had had any difficulties in that connection.

Q Is it correct that in Holland --

A And in the further paragraph he is stating in the document that at that time he gave all his instructions on Hitler's orders at the time. I myself had neither arguments nor difficulties with him.

Q Is it correct that in Holland the deportation of such workers for forced labor was regulated by the Reichs Kommissariat for Labor?

A Please, will you hear the Defendant Seyss-Inquart about that? The expression is entirely new to me. In France, Belgium and Holland this matter was dealt with only through the administration of the labor departments, that is to say --

Q Who signed the orders concerning forced labor in Holland?

A I assume that Mr. Seyss-Inquart did.

Q Is it correct that the orders signed by the Defendant Seyss-Inquart constituted a local application of the general program which you were charged with achieving?

A The local ruling in Holland --

Q Is it not correct that in the orders concerning forced labor in Holland the Defendant Seyss-Inquart was only implementing your program of forced labor?

A It was a realization of the Fuehrer's labor program as he, the Fuehrer, had ordered it.

Q Had you to go to Belgium or to the Netherlands in order to control the implementation of the laws on forced labor?

A Not to investigate. I was only in Belgium and Holland for a very short time. I had conferences there with the department heads and according to my recollection I visited labor departments there and inspected them.

Q And in the course of these travels you were preparing detailed measures for the implementation of the labor program, isn't that true?

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A I didn't work it out during the journey; I talked about it -- but of course I used the travel time to work.

Q I submit to you Document PS-556, RF 67. It is a letter which you wrote to the Fuehrer on August 13, 1943. In this

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you declare, paragraph 1 of the letter:

"My Fuehrer, I take the liberty of informing you of my return from France, Belgium and Holland, where I went on official business. In the course of difficult and long negotiations I i posed upon the occupied territories of the West for the five last months of the year 1943 the program which is indicated here below, and I also prepared detailed measures for its implementation in France with the military commander, the German Embassy, the French Government; in Belgium with the military commanders and in Holland with the officers of the Reich Kommissariat".

Do you dispute, Defendant, the fact that you went to Belgium and Holland in order to prepare detailed measures?

A. I have never denied that, and I want to say that I resent that expression. It was only the tendency as you represented it, that was wrong. It says quite clearly that I discussed, not prepared.

Q. One last question on this set of problems: What is your estimate of the number of Dutch laborers who were deported into Germany?

A. I can't tell you exactly from memory how many Dutch workers were employed on the basis of contracts and on the basis of these laws. Maybe there were two to three hundred thousand, but maybe more. I can't tell you offhand what these Dutch figures were.

Q. Thank you. Is it correct that the forced recruitment of foreign workers was implemented with great brutality?

A. Regarding the instructions which I published, there was talk about that sufficiently in detail yesterday. My instructions are available practically without a gap, as to brutality measures --

Q. Defendant, you weren't asked about your instructions, but whether brutality was shown. If you know, you can answer.

A. I cannot know. From time to time I heard about infringements and I stopped them at once. I protested against them at once, if I did hear of them.

BY M. HERZOG:

Q. Did you have knowledge of protests concerning the manner in which the recruiting of workers was implemented in the occupied territories?

A. I received protests, to the extent that they were discussed yesterday

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with my Defense Counsel.

Q. And when you received those protests, what did you do?

A. I had those cases investigated and furthermore, measures were left to the authorities concerned. I did everything at my end and that is something that will be testified to here, that such events were in future to be prevented and stopped.

Q. Is it correct that you appealed for the help of the Armed Forces to insure the recruiting of foreign workers in those areas where the Army was exercising jurisdiction and through the Quartermaster General of the Army.

A. I approached the supreme military commanders and passed orders on to them.

Q. Is it correct that you asked the military authorities that commanders of troops should be put at the disposal of your offices and services?

A. I do not remember such commanders. There was the labor attachment there. What is correct is that in areas where there were uprisings or partisan battles, I asked that those areas should be pacified, so that administration could once more be possible there, administration which had been disturbed or interrupted.

Q. You therefore asked that the commanders of troops should be put at your disposal?

A. Not at my disposal. It wasn't my task to pacify those areas. It was one of the prerequisites of the fulfillment of my own tasks that I could only carry them out if the pacification would once more allow proper administration -- but not recruitment of labor.

Q. Did you not ask that those troop commanders should participate in the tasks assigned to the service for procurement of labor? I submit to you Document 815, which I submit to the Tribunal under the number RF-1514. It is a letter of April 18 1944, from General Field Marshal von Runstedt and which is addressed to you. I read the first paragraph of it:

"The General Delegate for the recruiting and utilization of labor" -- that is you, isn't it -- "has addressed" --

A. That's me, and there was a department in France, too --

(Continuing) -- "has addressed a request for the intervention, that is to say, to the Commander-in-Chief of the West, in order that in sectors

where there were units belonging to the Commander-in-Chief of the West stationed, the Commanders of these units should receive the order to facilitate the execution of the tasks assigned to the service of procurement of labor by putting commanders of troops at his disposal".

Do you still deny that you requested that commanders of troops should be put at your disposal?

A. I personally didn't ask for them. This appears to be the office --

Q. Are you not the General Delegate for the Recruiting and Utilization of Labor?

A. Yes, but this order isn't known to me personally.

Q. This request, do you know whether it was seconded by the Defendant Speer?

A. I can't tell you.

Q. I submit to you Document 824-PS --

THE PRESIDENT: Perhaps you better put that over until after the adjournment.

(A recess was taken until 1400 hours).

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AFTERNOON SESSION

(Hearing reconvened at 1400 hours, May 30, 1946)

FRITZ SAUCKEL -- Resumed

M. HERZOG: Mr. President, I believe that Mr. Dodd has a statement to make to the Tribunal.

THE MARSHAL: May it please the Tribunal, the report is made that the defendant Jodl is absent.

MR. DODD: Document number 3057-PS, concerning which Mr. Herzog questioned the defendant this morning, was in the document book offered by the United States with reference to the slave labor program but it was not offered in evidence and I found the reference in the record at page 1397 of the transcript for the 13th day of December, 1945, and the President of the Tribunal particularly asked why we had not read document 3057*PS and I answered that we had intended to offer it but that counsel for Sauckel told me that his client maintained that he had been coerced into the making of thestatement and for that reason we preferred not to offerit and were not offering it.

THE PRESIDENT: I want to announce that the Tribunal will rise this afternoon at half past four to sit in closed session.

THE WITNESS: May I be permitted to give my explanation to that document?

CROSS EXAMINATION (Continued)

BY M. HERZOG:

Q What document are you speaking of?

A I am referring to the document, theletter of the Field Marshal von Rundstedt. In this document we are concerned with a letter, which, of course, is addressed to me.

THE PRESIDENT: I did not hear you ask any question. Did you ask your question?

M. HERZOG: Yes, Mr. President. It is the document which I presented before thesession was ended and the document states that the general delegate for the recruiting and using of labor asked that commandos of troops should be put at his disposal.

THE PRESIDENT: Do you mean 815 -- yes, very well.

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MR. HERZOG: That is exactly right, Mr. President.

BY M. HERZOG:

Q I ask you whether you recognize that this document establishes the fact that you requested troop commandos?

A As far as this question is concerned, I cannot answer it precisely for I personally did not receive this letter. Instead it was sent to Paris to the office which applied. This letter is not initialed by me. But in order to clarify my position I should like to emphasize specifically that I did not demand troops in order to recruit workers. I asked for troops when in areas the administrative procedure could not be carried through because of resistance activities by the resistance movement. In that connection there is an errorin this letter. I did not received this letter myself. It is initialed by the office in Paris.

Q I therefore submit to you document 824, which I hand to the Tribunal under number 1515 RF. This document 824, is a letter from the commander-in-chief of the west, from his headquarters, dated July 24, 1944. I read it:

"One can conclude from all this that on the order of the Fuehrer and after the abrogation of all dispositions, which are contrary to the desires of the general delegate for labor --".

This general delegate for labor is yourself, is not that true?

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"---and of Reich Minister Speer must in principle be established. Following my telegram and following letters, the conference of ministers of the 11th of July in the Reich Chancellory and concerning which the commander-in-chief of the west has been informed by him, the other existing disposition is to remain in full force and effect without taking into account hesitations which might concern security and order within the country. Recruiting will have to start everywhere where the matters referred to in his telegram are applicable. The Fuehrer has therefore decided that in the sector of the army no methods of coercion will be used against the population as long as the latter will be helpful to the Wehrmacht. However, the recruiting of volunteers must be handled energetically amongst refugees from the combat zones. Moreover, all means will be considered good in order to recruit as much labor as possible from elsewhere by the means of which the Wehrmacht disposes."

Do you again contest that on your request and on that of Reich Minister Speer troop commandos went about the recruiting of labor?

A I should like to remark in this connection that I do not dispute this in the way pictured. At that time the commander-in-chief under the stres of combat conditions was in a very serious position. But I can testify that after the date of the 25 of July, 1945, these things did not apply and were not effective for the withdrawal of German troops had gone on much too fast so that this decree, which had been given out by the Fuehrer, was in no way effective any longer.

Q Do you remember the conference, the ministers' conference of the 11th of July, 1944, to which the document which I have just read refers?

A Yes, I recall it.

Q Do you remember the persons who were present at this meeting?

A Not all of them.

Q I submit to you the minutes of this meeting. It is document 3819-PS, which has been handed to the Tribunal under number --

THE PRESIDENT: The Tribunal would like you to read the last page of document 824, that is not the last, but the last on that page beginning with "Enfin --". It is on page 346 of the French translation.

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BY M. MERZOG:

Q "In order to make the measures undertaken as effective as possible the armed forces will have to, moreover, be informed of the usefulness of the organizations for the recruiting of labor in order that they should be able to set aside resistance met with both within and without. The Feldkommandaturs and military administration services will have to aid as far as possible the general delegates for labor and avoid all limiting of their activities which are in conformance with the instructions received.

"I therefore ask you to give instructions to this effect."

Do you still contest the fact that on your request the army was mixed with --

THE PRESIDENT: Will you read the next page too, supplementary note, paragraph 1.

BY M. MERZOG:

Q "Supplementary note: The commander-in-chief of the west then pointed out on the 23 of July as follows:

"Firstly, in spite of anxieties concerning interior security I have authorized the application of the Laval-Sauckel agreement of 12 May, 1944.

"Confidential instructions for the application of these measures according to the order of the commander-in-chief of the Wehrmacht Q-administration-1 to west number 052-51 secret, of 8744 headquarters document will be given by myself in this combat zone. (Signed). General Field Marshal. Other orders will follow to the commander-in-chief west, chief of headquarters."

I came back to the conference of July 11, 1944. I submit to you number 3819, submitted under GB 306. The Tribunal will find it under 3819 in the first part of my document book. It represents the minutes of the ministers' council which took place on July 11, 1944 in Berlin, a gathering of ministers, chiefs of the Party and administration.

You will find on Page 6 of the French translation of this document the list of all the persons who were there. Do you remember who, among the accused, were among those present? Do you recognize the signature of Defendant Funk? That of Defendant Speer?

A I haven't found the place.

Q Have you found them?

A I haven't found Speer's signature as yet.

Q Was Defendant Speer present at this conference?

A I cannot tell you from memory, but I can not find his name.

Q Were you yourself present at this conference?

A Yes, I participated.

Q Do you remember the proposals which, in the course of this conference, General Warlimont made to you in the name of the General Staff, and do you remember the reply that you made to these proposals?

A I recall a conversation between General Warlimont and myself on that occasion but I cannot give you it verbatim without having some data at my disposal.

Q Well, I am going to read you the text. It is on page 10.

M. HERZOG: The Tribunal will find it at the bottom of page 10.

BY M. HERZOG:

Q "Chief of the OKW, General Warlimont, referred to an order of the Fuehrer which, according to him, was being published, according to which all German military forces would have to be placed at the disposal of the General Delegates for recruiting labor. Wherefore, the Wehrmacht is ordered, if it is not engaged exclusively in tasks of urgent military interest, such as the construction of coastal fortifications, these forces must be placed at the disposal of the General Delegates, but should not be displaced specially to be put at the disposal of the General Delegates for Labor. General Warlimont made the following proposal: (a) Troops which are in action against partisans will also have to be utilized for the recruiting of labor in the zone held by partisan bands --"

A I am sorry. I can't find the place. Will you give me the page, please?

Q I will have it shown to you.

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A Yes, I find the place about the proposal but in the German translation it sounds entirely different from what you are reading.

Q It is on Page 3. Have you found it?

A Yes.

Q Then I can resume the reading of it. "(a) Troops which are in action against partisans will, in addition, have to be used for the recruiting of labor in the zone held by partisan bands. Every individual who cannot give an unequivocal reason for his staying in that region will be arrested. (b) If large cities are evacuated in full or in part as a result of food difficulties, all the population which is capable of work will have to be, with the aid of the Wehrmacht, recruited for forced labor. (c) The recruiting among refugees which are close to the front will have to be carried out with particular rigor with the aid of the Wehrmacht. Gauleiter Sauckel accepted these proposals with gratitude and expressed the hope that thus some success would be obtained." Do you still continue to contend that the Wehrmacht did not implement the recruiting of labor?

A I did not contradict that. In the combat area and in order to preserve order in these rear areas these measures were proposed, but these measures were not carried through.

Q Well, I am going to produce for you a document which is of three or four days later than this meeting of ministers. It is a telegram from Defendant Keitel.

M. HERZOG: Document 814, which I submit to the Tribunal under No. 1516 RF.

BY M. HERZOG:

Q It is a telegram addressed by Defendant Keitel to All Military Commanders. I will point out to you that it bears the stamp of the Labor Section of the Military Government in France. This is of 15 July and here is the text of it --

THE PRESIDENT: M. Herzog, some of these documents

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are not tabbed and it is impossible to find them unless you tell us where they are.

M. HERZOG: Yes, Mr. President. I have tabbed only those documents which I intend to use several times so that the Tribunal will be able to find them easily. Otherwise, the documents must be in the order in which I use them. Document 814 should, therefore, be immediately after 3809, unless I am mistaken.

THE PRESIDENT: Document 3819, isn't it?

M. HERZOG: Actually, it is towards the end and it is after the document marked FR 15; the next document after that is FR 814.

THE PRESIDENT: We have got 815 after that, after FR 15.

M. HERZOG: After 815 we have Document 823, then 824, then 814.

BY M. HERZOG:

Q This document contains the instructions which Keitel was sending on the subject of this meeting of leaders. I read the second paragraph; "The present situation demands the use of all imaginable means for the finding of supplementary labor since all armament measures profit immediately the fighting forces. Before this fact, all preoccupations must vanish which concern interior difficulties, the development of resistance movements and such matters. We must bring total aid and help to the General Director for Labor. I send my directives for the participation of the Wehrmacht in the requisitioning of laborers in France." Do you continue to contend that the Wehrmacht was not used for the recruiting of labor?

A I must emphasize here again that I did not contradict the fact that these were proposals which had been suggested. I did not dispute that fact and I should like to emphasize that again. But these measures were not carried through and that I would like to emphasize also, and besides that, I did not send this wire.

Q Is it exact to say that the German police proceeded with recruiting operations of foreign workers?

A How far, in detail, the police carried through their measures, that I do not know; but some measures were carried through and some of their own accord, that I do know.

Q But isn't it true that you recommended to your officers that they should put theirselves in contact with the chiefs of police of the SD and of the SS?

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A The SD and the police, I considered both of them a regular and orderly arrange;ent and where the necessity arose I had to turn to these agencies, when it was necessary.

Q You, therefore recognize that you recommended to your officers that they should get into contact with their chiefs of police of SD and of SS for the accomplishment of their tasks?

A To support them in tasks where an orderly participation on the part of the police was necessary; not for the recruiting of workers themselves; only to do away with difficulties or any similar matters.

Q I ask you again the question and I ask you to answer yes or no. Did you instruct your officers to get into contact with the chiefs of police of SS and of SD?

A I can only answer that question with a limitation to my "yes". On occasions where it was necessary to call in police aid, not in order to carry through the task itself, the mission itself,

Q Is it exact that the chiefs of the German Police assisted in the conferences which you held with the French authorities concerning the recruiting of labor?

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A In part, representatives of the Higher SS and Police Leader were present, and this was true, as well, on the French side, where the Minister of the Interior or the Police Chief was present. Howeve, I neither demanded that nor proposed it.

Q But you admit that the representatives of the German police were present at these discussions. Can you give the name of one of these representatives? Do you know Standartenfuehrer Knorren?

A Standartenfuehrer Knorren was in Paris, and on occasion he was present at these conferences.

Q Is it exact that the chiefs of the German police participated at the conferences which the German authorities held concerning labor problems?

A To my recollection they participated in some of these conferences, but that occurred at the suggestion of the military commander-in-chief, under whose direction these meetings and conferences took place.

Q Was there a representative of the police at the conference of chiefs on the 11th of July, 1944, which we mentioned just now in document 3891-PS?

A Do you mean the meeting at Berlin?

Q Yes, the Berlin meeting on July 11, 1944.

A I believe Kaltenbrunner participated in that conference. This meeting had been called by Reichminister Dr. Lammers.

Q Have you never asked Himmler, in the presence of the Fuehrer, for the help of the SS in the recruiting of labor?

A At a discussion with the Fuehrer in January, Reichsfuehrer SS Himmler was present. On this occasion, as far as I recollect, I pointed out that, applicable to the year 1944, the program which had been established by the Fuehrer could not be carried through by me if, in certain areas, the partisans and the dangers connected with that were not stopped. And that, of course, could be taken care of only by the authorities who had jurisdiction there.

Q You admit, therefore, that you asked Reichsfuehrer SS Himmler to put his police forces at your disposal?

A No, it is not correct to put it that way. I have to contradict you on that. I and my offices could not have police forces put at our disposal, but rather, I asked for help. Where I was supposed to carry through administrative measures, I asked for a regulation of order in those areas. Otherwise,

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I could not carry through my mission if I did not have order in these areas.

Q I am going to show you document 1292-PS. It has already been submitted to the Tribunal under number USA-225. It is the minutes of a meeting in the presence of the Fuehrer on January 4, 1944. It is in my document book and is marked with a tab.

On page 3 of the French text, page 5 of the German text, you declared:

"Success will depend, firstly on the importance of the German police which are put at the disposal of this task, which cannot be executed without German police forces."

Do you recognize that declaration?

A Will you please indicate the place to me? I haven't found it yet. Which page, please?

Q It must be on page 5 of the text which was given to you.

A Yes, that is correct. That is a rather abbreviated picture, probably, on the part of Dr. Lammers, but I should like to emphasize specifically that it can be interpreted only in this way, that in those areas - which were very numerous at the time-- I could onll put into effect a labor administration where the executive powers could restore order. This statement is not exactly clear because it is not complete.

Q Defendant Sauckel, you said to us only yesterday that you were a former worker. Have you ever considered that a worker could be led to his work under threats?

A No, I never pondered that question, and I now hear for the first time that I allegedly had workers sent to their places of work shackled. I do not remember that. At no time did I ever decree anything like that. In fact, I pursued the exact opposite.

Q On August 30, 1943, you made a speech in Paris before the General Staff on the Use of Labor, which you were setting up in France. I submit to you document 816, which I submitted to the Tribunal this morning, and I ask you to consult it again.

M. HERZOG: Mr. President, I think I have made a mistake. I don't think I submitted that document, and therefore I submit it now, under the number RF-1517.

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BY M. HERZOG:

Q Will you look at page 10 of the photostat which has been given to you? It is at page 38 of the French translation, and page 10 of the photostat. It is the last line on the page:

"The most harsh obligation of Service Police action, the placing on of manacles, must be achieved in the most amiable manner."

That is what you declared on August 30, 1943, before the General Staff on the Employment of Labor when they met in Paris.

A Will you please re-read that phrase? I haven't found the place.

Q It will be shown to you

Have you found it?

A Yes, I have found the place.

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Q And you, defendant Sauckel, considered that the putting on of manacles could be used in the recruiting of labor?

A We can only be concerned with that statement in the case of flagrant resistance against the State or the carrying through of a directive, which had taken place. We can see from experience that it could not be any different in the entire world. I said that everything should be done in the best possible manner. I did not use that as a rule to apply for the recruitment of labor, and I do not wish to be misunderstood.

Q But you said that to the General Staff on the Employment of Labor in France.

A Yes, but it can be interpreted only if there is a flagrant resistance against an agency which is carrying through measures, otherwise everything would be impossible.

Q The Tribunal will appreciate that.

Defendant Sauckel, have you ever created any special police for the recruiting of laborers?

A No, I established no special police; I explained that yesterday. That was the suggestion put by the French units themselves for protection. However, it was a special unit, it was not actually police.

Q Have you heard a committee mentioned named "Committee for Social Peace"?

A Yes, that was talked about.

Q Have you heard a committee mentioned which was called "League for Social Order and Justice?"

A Yes.

Q Have you ever drafted any orders or sent any instructions which enforced the institution of these committees?

A It was a proposal, yes, and that was discussed. So far as I remember, that was in the spring of 1944/

Q And you pretend that you never set up these committees or drafted any instructions concerning the stting up of these committees?

A That is what I have already said, that I did that.

Q You recognize that you drafted instructions concerning the formation of these special police forces?

A That happened on the basis of discussions which I had with these French units.

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Q So you did do this?

A Yes, in agreement with these French units.

Q Fine.

M. HERZOG: I submit to the Tribunal document 827, under number RF-1518. These are instructions of the defendant Sauckel for the formation of special police forces. The document consists of several sets of instructions . On page 6, for instance, there are instructions of January 25, 1944 from the defendant Sauckel.

THE PRESIDENT: Where is it?

M. HERZOG: On page 6, immediately after document 1292 in the document book.

BY M. HERZOG:

Q On page 6 yuu will find instructions from the defendant Sauckel. I read:

"Berlin, January 25, 1944. Secret

"Object: Formation of a protection corps for the implementation of the tasks of the labor service in France and in Belgium during the course of the year 1944.

"To the Military Commander in Paris, France; to the Military Commander for Belgium and the North of France and Brussels.

"A protection corps called 'Committee for Social Peace' will be created in France and in Belgium and will be in charge of guaranteeing the achievement of the future tasks of the labor services for Germany and of enforcing possibilities of implementation in these two countries. This protection corps will be formed by nationals of these two countries around members of the German police and German police guards. This protection corps in France will consist of approximately 5,000 men and that of Belgium approximately 1,000 men.

"I give the following provisional instructions for the formation of this protection corps and the accomplishment of its task:

"1. The selection of its members will be made in strict coordination with competent police and SD services which will screen the candidates especially from the point of view of their loyalty. The selection will be made especially amongst the members of political movements favorable to a collaboration with Germany.

"2. ORGANIZATION OF THE PROTECTION CORPS. The central services of direction for the Protection Corps will be created in Paris and Brussels. The directors of these services will be designated by me" -- that is to say, by you, Defendant Sauckel.

"They will depend on my delegates in France for all police questions. The Protection Corps will be directed by the superior commander of the SS and by the police. The regional groups of the Protection Corps will depend on the commanders of German police forces, and the latter will receive their instructions from the Feldkommandantur and from the recruiting offices for their participation in actions concerning labor.

"The German police and the services of the SD will be concerned with the instruction in police matters and the delegates of the Feldkommandantur; and the recruiting services will be given as much as necessary, in their opinion, of whatever instructions are necessary in the matter of the recruiting of labor.

"The members of the Protection Corps will not wear auniform; however, they will be armed with firearms.

"3. IMPLEMENTATION OF TASK: The members of the Protection Corps delegated to the recruiting offices of the Feldkommandantur will have to be employed in order that the execution of measures ordered will be ensured with a maximum of security. For example, these forces put at the disposal have to be informed immediately if Frenchmen who have been summoned by these various German offices have avoided these summonses. They have to discover the domiciles of these persons and bring them, according to the instructions of the chief of the German police for the collaboration of the French and German police forces.

"They will, moreover, have to track down immediately all those who have refused to appear when summoned, and other persons who have broken their contracts; all this in the interest of an effective executive power. And it would be good if the lists of persons summoned and recruited should be communicated to them in order to enable them to act immediately in cases where

German orders have not been executed.

"It is to be presumed that a more effective implementation would be implementation by such immediate measures and by heavy punishment published immediately, than by any of the inquiries which have been followed up till now.

"Likewise, these members of the Protection Corps are expected to indicate isolated persons who are unemployed in order that they may be mobilized, and also denounce all business which have excess personnel, in order that their personnel may be taken away from them."

"Do you, Defendant Sauckel, still deny that you did not form such a league in France and Belgium?

A I already told my attorney yesterday that by agreement with French organizations, such a protective unit was set up so that on the one hand people who wanted to work could be protected, but on the other hand, the carrying through of administrative measures could be handled, and, in effect, that Frenchmen declare themselves ready and willing for this collaboration.

I did not perceive any obstacle which might have been undesirable in any way, since this was for the alleviation of conditions.

Q I ask you to answer my question yes or no. Do you recognize that you

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set up this special police service?

A I admit that I suggested this Protective Corps and that it was set up. But the extent was very slight.

Q Is it exact that you dictated or imposed measures of constraint on those who were refractory to the forced labor services?

A I did not issue them myself, but rather the French Government did. That is correct for every occupied territory, and that applied to the entire world. The occupying force must keep order.

Q Is it exact that you demanded that the death penalty should be applied against civil servants, for instance, who hindered your action?

A It is correct that in a conference with the French Prime Minister Laval I suggested the death penalty on an administrative basis in cases of very severe nature.

Q Do you admit that you demanded that the death penalty should be foreseen in the case of civil servants?

A Yes, if a serious case of sabotage was being dealt with.

Q Is it exact that your mission consisted in procuring for German war industry all the labor force that was required for it?

A That was my task.

Q In this respect, were you responsible for the implementation of your mission before Minister Speer, Minister of Armaments and Munitions?

A I was responsible to the 4-Year plan and to the Fuehrer, and I had instructions from the Fuehrer to meet the demands pushed by Minister Speer as far as it was possible for me to do so.

Q Did the defendant Speer approve of the initiative which you took in recruiting foreign labor?

A In any event, he agreed, or rather he demanded, that workers be put at his disposal; but we were not agreed about the carrying out of this directive. For instance, we did not agree about the "blocked" enterprises in France.

Q We will see to that later. I ask you to tell me whether you always managed to satisfy the demands for workers which were submitted to you by the different sections of the German economy?

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A No. It was not my responsibility to do that.

Q And when you failed, did the demands that were submitted to you by defendant Speer have to be satisfied by you with priority over all others?

A Yes, they had to have priority.

Q Did not some instances take place in this respect? I mean, for instance, did it not happen that some convoys of workers were turned away from their original destination on instructions from Speer?

A It did happen that against my instructions, labor transports were taken to different regions, or different enterprises. But whether that emanated from Mr. Speer or from an armament commission or from another agency, I do not know. It probably varied with various cases.

Q In your interrogatory you declared, however, that the first destination of these convoys was sometimes changed in order to satisfy the demands of Speer's offices. Do you confirm this?

A Yes; but I mean something slightly different. It happened I might be informed about this. There were two kinds of changes, or deviation those which I did not know about and these which were agreed upon on request

Q Will you tell the Tribunal what was understood by the system of the "red ticket"?

A The "red ticket" was applied to the demand for workers, mostly specialized or expert workers, to the demands which it was absolutely necessary to meet first and above all.

Q The system of the "red ticket" was applied to the armament industry was it not?

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A The red ticket applied to armanment, yes.

Q And it was established by agreement between defendant Speer and yourself?

A That was a procedure which, in my opinion, because of the nature of emergencies that had existed, however, there were changes and deviations such as lists or red tickets. Originally, there were just lists and the red ticket was added and that was decreed.

Q You therefore recognize that by these various systems, you share with defendant Speer the responsibility of having constrai. ed workers to work in German factories for the needs of the war whic Germany was fighting against their Fatherland?

A I should like to emphasize, particularly, that this procedure did not apply especially or generally to foreign workers but especially to German workers and German specialized labor.

Q But it is applied also to foreign workers?

A It applied, in so far as they were specialists and declared themselves ready, right to foreign workers as well.

Q Will you tell the Tribunal, what does the method of blocking of industries (betriebe) mean?

A The blocking of an enterprise applied non-essential production or if it concerned itself with the production of luxury items These were the enterprises.

Q I don't think you well understood my question. What are "S" industries in France, for instance, the protected factories?

A Sperrbetriebe known as "S" enterprises---is that what you mean. Sperrbe were enterprises or industries which produced for Speer and which had been agreed upon with the French Minister Echelonne, and they were block as far as labor recruitment was concerned.

Q Have you not exerted on defendant Speer strong pressure in order that he should abandon the practice of blocking industries?

A I asked him and approached him on this matter but I could not make my will felt, that he should dispense with these enterprises.

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Q Have you ever brought the debate up to Hitler and insisted with Hitler?

A Yes, I insisted on this with Hitler but I had no succe

Q Have you not on this point asked the Fuehrer that he should increase your powers at the expense of those of defendant Speer?

A I did not ask for a general explanation of my authori but I asked for the reinstatement of the conditions as they appli briefly and I am asking that I be permitted to explain this. May I please explain this? What the various departments under Speer demanded from me, were skilled laborers and there were many skille laborers in the enterprises which Speer had earmarked for him as "S" enterprises and in Germany we were hard put; instead of havin skilled French laborers, we had to use laborers instead. In each case, I had to produce workers and I considered it more reasonabl for the German economy to produce the correct workers and not onl workers who were unskilled.

M. HERZOG: I beg the Tribunal to turn back to document 381 the second part of 3819. It consists of two letters addressed, b of them, to the Fuehrer by defendant Sauckel and by defendant Spe and both are on this matter of the blocking of industries. I rea first to the Tribunal some extracts of Sauckel's letter which hap pens to be the second.

THE PRESIDENT: Aren't they supposed to have been read alre

M. HERZOG: I think they have already been read. I cannot affirm it but I believe so. They have already been handed to the Tribunal, document 3819-PS, as GB-310. If the Tribunal wishes, I can limit myself to very limited extracts.

THE PRESIDENT: You need not read them for the purposes of your question to the defendant.

BY M. HERZOG:

Q In this letter, on page 27, you asked whether you cou obtain in a general manner full powers for the national utilizati of labor. Do you recognize that you asked for full powers in thi

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manner; did you ask the Fuehrer for it?

A I haven't found the place yet but I could never ask for any blank authority but I asked that I could recruit as in the beginning but, as I stated before, I can't find the place that you are quoting.

Q You will find it on page 27.

A In this German text it says: "In this situation, it is necessary that I again have a free hand" and that means that I have a free hand once more the way I did have before the enterprises were instituted.

Q That is what I asked you to confirm to me. Have you asked the Fuehrer that your powers should be increased at the expense of those of your co-defendant Speer? Will you answer yes or no, please.

A I do not understand the question---that I received the powers or demanded it? I did demand this, for it was in favor of Speer to have that.

Q Did you ask for it?

A Yes, I demanded it.

Q And don't you remember that on other occasions, defendant Speer likewise asked that his powers should be increased at the expense of yours?

A Yes, that may be possible also.

Q You declared in your interrogatory that the very narrow relations between Speer and Goebbels after the fall of Stalingrad, made Speer want very much, that he should be beneath his authority. Can you confirm this?

A Yes.

Q Is it exact that your general program of recruiting labor foresaw the employment of war prisoners?

A The employment of prisoners of war, as far as they were under the care of the Wehrmacht and were to be used for work and could be used.

Q Do you remember the order which we mentioned this morning, your order No. 10, which foresaw the order of priority of work

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and gave priority to armament needs; was this order applicable to war prisoners?

A This order was, as I explained yesterday, that was applicable only to them and only on the basis of transplanting and as I mentioned yesterday, it was set forth in the order by the Wehrmacht and by me in a catalogue of workers.

Q This order, however, foresaw only in article eight that it was applicable to war prisoners?

A Yes, on the basis of other measures which existed, th was taken for granted.

Q You spoke to us yesterday on the inspection service. Is it exact that you came to an agreement in September 1943, betw Dr. Ley and yourself for setting up a central inspection office f foreign workers?

A Yes, in order to take care of these workers.

Q In consequence, you can recognize that you are respon ble for the measures concerning the treatment of foreign workers?

A I am responsible for the directives which I ussed and they are all available.

Q Do you consider yourself responsible for the feeding foreign workers?

A I feel myself responsible for the directives which I issued with regard to the feeding of foreign workers. The actual feeding of these people was not the task of the labor authorities That was the responsibility of the enterprises or the camp comman ant who had been charged therewith by the enterprises.

Q I am going to have submitted to you document 025-PS. This document was submitted to the Tribunal under No. USA 698. had it already yesterday in your hands. It consists of the minu of a meeting in the office of the General Director for the Utili tion of Labor; that is to say, yourself, on September 3, 1942. document is dated September 4.

M. HERZOG: This document, Mr. President, is at the end of document book, after document 827, towards the end of the book.

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the last page of the French translation, I read:

THE PRESIDENT: The last page is 857, isn't it, the document called 857, the last page I have got. It is just in front of 200-PS. Did you come across that? It is just after 1913-PS.

M. HERZOG: Mr. President, after 1915-PS.

THE PRESIDENT: Yes.

M. HERZOG: I read: "The Fuehrer cannot understand that in the course of the combat for the future of Europe, it should exactly be the country which has to bear the principal weight of this fight which suffers the most from hunger--whereas, in France...."

THE PRESIDENT: It is on page one of it --- page four?

M. HERZOG: No, Mr. President, on page four of the French text; that is to say, on the last page.

BY M. HERZOG:

Q "The Fuehrer cannot understand that in the course of the fight for the future of Europe, it should exactly be the country which has to bear the principal weight of this fight which suffers the most from hunger; whereas, in France, in Holland, in Hungary, in the Ukraine or anywhere else, one has not yet been able to speak of hunger. He desires that it should be the country in the future -- as for foreign workers living in the Reich, with the exclusion of workers from the East, one must little by little institute for them a system of rationing which corresponds to their output. It is not admissible that Dutchmen or lazy Italians should receive better rationing than an active worker from the East. The principle of output must apply equally to feeding." I ask you what you meant when you stated that the principle of output must apply equally to their feeding?

A In the Reich, there was a normal ration and according to performances in the industries, there was an additional ration and I fought for the principle that these additional rations which had been assured to workers from the West, that the same extra rations would be assured to the workers from the East as well and that there were Western workers; that is, Dutch and Belgian workers

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---these programs would be followed, that these special rations should be cut down as the case demanded but not the normal ration and the normal ration which applied to the German people.

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Q. You therefore admit that you say that if the output of one worker is smaller than that of another, his food rations must be smaller? Is that what I understand?

A. No, it is not right to interpret it that way. I should like to explain the system again. In Germany each worker received his ration as set down at the Reich Food Minister. He received his quota as set down, and in addition to that, there were special bonusses as a reward for service. At the beginning, this bonus was not granted to, say, a Russian worker, and this is the matter we are dealing with here and not with starving or cutting of food rations, per se, but rather the additional bonus for service.

THE PRESIDENT: Perhaps we had better adjourn now.

(A recess was taken).

THE MARSHAL: If it please the Tribunal, the report is made that the defendant Raeder is absent.

THE PRESIDENT: Mr. Herzog, do you anticipate being able to conclude your cross examination before half past four?

MR. HERZOG: Yes, Mr. President. I think that I might even finish before that.

THE PRESIDENT: Very well.

BY MR. HERZOG:

Q. Defendant Sauckel, I offered in evidence Document 806, which is an account of the conference which you held on 15 and 16 July 1944 at Wurzburg with a r gional labor official.

A. Yes, I remember.

Q. Do you remember that during this conference a question of the discipline to be imposed upon the workers was raised?

A. It is possible that during this conference -- or, rather, conferences -- that this question was discussed. I can not remember. I did not participate in all the sessions.

Q. Do you know Minister Counsellor Dr. Sturm?

A. Counsellor Sturm is not personally know to me.

Q. Do you remember a declaration made at the conference of the 15 and

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16 July 1944 by Dr. Sturm?

A. I can not remember any particular statements from Dr. Sturm.

Q. I shall pass to you once more the minutes of that meeting, Number RF 16, Document 806. Will you please look at page 25 of the German text. It is also page 25 of the French version. Do you see it? I read the first line:

"Sturm gave the following report on his territory 'Discipline of Workers'."

I shall pass to the next page, where I read:

"We are working with the Gestapo--"

THE PRESIDENT: Where is this?

M. HERZOG: Document 806

THE PRESIDENT: I know it is 806, but I thought you told us that they followed on.

M. HERZOG: 810, sir. 810.

THE PRESIDENT: I have got that.

M. HERZOG: Page 25.

THE PRESIDENT: Yes, go on.

MR. HERZOG: With your permission, I will begin again.

"Sturm gave the following report on his territory concerning the discipline of the workers."

Page 25:

"We are working with the Gestapo and the concentration camps, and we are in that way certain to be going in the right direction."

BY M. HERZOG:

Q. Did you make any observations when that declaration was made?

A. I did not hear that statement myself. It is a specialized question, or technical question. I am seeing the record for the first time in my life. There were several parellel meetings, and I did not hear it myself, but it is a matter of course, that some sort of ruling regarding penalties had to be made, in keeping with the worker's law.

Perhaps I may read to you from the same document, the beginning:

"Employment and pay arrangements can only be possible on the strength of a healthy workers' morale. The necessary regulations for securing such morale,

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based on a disciplinary and penal right, require unified handling, the details of which will be dealt with in a subsequent meeting of the legal experts at Wurzburg," and that, of course, is not one of my departments.

Q. I will ask you what you think of Dr. Sturm's declaration?

A. Subsequently, after Dr. Sturm's declaration -- I come to the end of the first page.

Q. Will you please answer my question first? Please answer my question. What do you think of this declaration?

A. I did not know the statement, but he comes from some authority, and I don't know whether it is the Ministry of Labor or some other authority, but I didn't --

THE PRESIDENT: Watch the light. Don't you see the light in front of you?

Q. Do you not remember that agreement reached between you and the Chief of Police SS to handle through the Gestapo those workers who were guilty of giving up their work?

A. Well, there had to be a department in Germany which dealt with workers who left their place of work without being entitled to, which could get hold of them again, and it couldn't be done by any other department than the police. There wasn't another department for that.

Please, may I, in connection with this document, be allowed to read some more from page 1, where it says that apart from that, the number of penalties decreed by the authorities against workers, such as reprimands, fines, concentration camps, and legal penalties, were very, very small indeed. At least the number of penalties which were pronounced in connection with the prosecution were .01 to.02 in one thousand.

Q. What has that to do with the questions which I asked you and the question of your relations with the Gestapo?

A. But there wasn't any other authority except police in Germany who could carry out arrests, detention. They were entitled to that by law.

Q. You admit, then, that it was on agreement with you that the Gestapo proceeded to the arrest of workmen who absented themselves from what you call their work contact, and they were sent to the concentration camps?

A. Not to concentration camps, no, but into the custody which was prescribed. The penalties were decreed in accordance with certain regulations, and I know of nothing else.

M. HERZOG: I submit in evidence Document 2200-PS, which becomes RF-1519. It is a service memorandum of the Cologne Gestapo addressed to the police officials at the Cologne and Aachen district. It refers to the fight against those foreign workers who had absented themselves from their work.

Mr. President, it is the fourth document from the end in my document book. I read from it:

"The number of absentees is considerable, and their presence in the Reich is more disquieting than the fact that they absent themselves from work, for this may conceal an act of sabotage. Henceforth, according to an agreement

reached between the head of the SS and Police and the General Plenipotentiary for Manpower, all complaints having relation to absenteeism will be competently dealt with by the Secret Police, Gestapo.

"As soon as the works concerned have advised the police, the police will proceed to the necessary inquiry. The police authorities of the Kreis will be authorized by me to give warning to the absentees and to hold them in custody, by way of warning, up to three days. Directives will be followed, especially as regards the nationality of the delinquents.

"In more serious cases, the papers referring to the case will be sent for a decision to the Gestapo in the Aachen and Cologne district, which, being informed, will order the necessary measures, detention, sending to reeducation camp for workers, or concentration camp."

BY MR. HERZOG:

Q. Do you recognize that it was with your agreement that the factory workers were, on the one hand, handed over to the Gestapo, and in the second place, handed over to concentration camps?

A. I did not deny it, but this only happened as stated in the first paragraph. If the population was upset through perpetrations by these workers, in serious cases, or when there were breaches of contract, it was done. There was nobody except the police capable of looking for such people, and I find tha the procedure is perfectly correct.

Q. You find that it is a correct manner of procedure to hand over the workers to the Gestapo and concentration camps? I take note of your answer.

A. Only in the case of serious crimes. It says "in serious cases" in the document. It was the demand which they made to me.

Q. At what period did you have knowledge of those atrocities which were committed in concentration camps?

A. I can say to the best of my conscience that the cruelties which have been mentioned here in connection with concentration camps were not known to us.

Q. Do you think that it was the same with all the Hitlerite chiefs?

A. I can't speak for the others. I myself did not know of such measures which I despised to the utmost myself, and which I have heard here.

Q. For instance, do you think that the Reichsfuehrer SS

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Himmler wasaware of the atrocities which were committed in the concentration camps?

A I can't say whether the Reichsfuehrer SS knew of them, whether he caused them. During my life, I have had very little, in fact, next to no talks with the Reichsfuehrer because there were considerable personal tensions between us.

Q You declared, during the interrogation by your counsel which you underwent yesterday, that you visited the concentration camp of Buchenwald, is that so?

A Yes, I did either in 1937 or 1938. I can't tell you that from memory now.

Q You declared you made this visit in the company of an Italian commission, is that so?

A Yes, that is correct.

Q Do you know that there is in existence an album of official photographs of the concentration camp in Buchenwald?

A No, I don't know.

M. HERZOG: I offer that album in evidence to the Tribunal under No. RF-1520. It bears the number D-565. It is a document of the British Delegation.

BY M. HERZOG:

Q Do you recognize yourself in that photograph?

A Yes, I recognize myself in these pictures.

Q With whom are you there?

A That is the Reichsfuehrer SS.

Q Himmler?

A Himmler, yes.

Q Thank you. And you contend that you, a Gauleiter and Commissioner for Thuringia, visited this place in the company of the Reichsfuehrer SS and you spoke to the director of the camp without knowing what was happening there?

A I can't tell you when this picture was taken and whether it was taken in the camp itself. I went there once, or rather, I was once outside the camp together with the Reichsfuehrer SS,; there was a large site. But I was never inside the camp together with the Reichsfuehrer SS. I was only

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there once, as I have already told you, with an Italian commission.

At any rate, this is in no way connected with an inspection. You can see a group, and I can't quite remember the occasion.

M. HERZOG: The Tribunal will make up its mind.

I offer in evidence, under No. 1521, the certificate establishing the origin of this album.

BY MR. HERZOG:

Q In the month of October of 1945, you were interrogated on the expulsion of Jews from industry. You said this:

"I never had anything to do with it myself. I had nothing to do with the question of the eviction of Jews from industry. I had no influence in this matter. It was a mystery to me."

Can youconfirm this declaration?

A That is perfectly correct. I didn't say it was a secret to me; I said that to the best of my recollection I had nothing to do with it.

Q Your counsel gave you a document yesterday, L-61, which you thought you could contest. One of the points that you raised against this document was that this document dated from 1942 and that it dealt with questions whichdated before the time of your appointment.

Did I understand you correctly?

A The enclosures to the document had already been started before I was nominated.

Q I offer in evidence Document L-156, which becomes RF-1522. It is a letter written under the authority of Plenipotentiary General of the Four Year Plan, and addressed to you. It is dated the 26th of March 1943. It is addressed to the presidents of the land-labor offices, and it deals with the question of the eviction of Jews. It begins thus:

"In agreement with me and the Reichsminister for Armament and Munitions, the Reichsufhere SS, for reasons of state security has removed, since the end of February, those Jews who were working as free workers and has transferred them to a place where they are locked up and where they can continue their work. In order not to endanger the efficacy of this measure, I have avoided notifying them of this measure beforehand, and I have only notified those

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labor offices in whose district there is a large number of Jewish manpower.

"So as to have a general view of the effect of those measures upon the commitment of labor, I ask you to let me have, as of the 31st of March, 1943, a return showing how many Jews were removed from their work and a return of their replacement by others which has become necessary.

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"From the number of those establishments indicated and of the Jews employed by them, one should take into account the situation which existed before the evacuation".

Do you still say that you exercised no control in the action of or in the matter of the eviction of Jews and their replacement by foreign workers?

A. Once again I want to state with emphasis in this connection, that this document, this letter, has never been put before me. It appears to have no signature here, and once more it comes from an inferior sub-department in the Reich Ministry of Labor at Sahrland strasse 96. Some official has dealt with it, but I myself can under no circumstances remember that I have ever had knowledge of the letter. I did not write it, it does not come from my office, and it has been written on behalf of someone else, because the signature is not mine.

Q. Will you please look on the left in the corner. It says: "The general delegate to manpower". Are you trying to throw the responsibility on one of your subordinates?

A. No, I do not want to do that. I merely want to say that the letterhead is one of a department, but that the letter has never been known to me. This is the first time in my life I have seen it, and I myself have not had it prepared. I can say that under my oath.

Q. Another question. With this letter is a request concerning the replacement of the expelled Jews. Who else but you could have anything to do with this, you who were the general delegate as to manpower?

A. My department. I told my defense counsel yesterday that it was a matter of course that my department had to furnish replacements if workers were taken away from one firm, be it through calling up or other measures, something which I did not always, of course, hear about in detail.

Q. You are not answering my question.

A. Yes, I have answered your question exactly.

Q. No. The fact that this letter contains a request relating to the replacement of workers, is that not proof that it comes from your

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department, you being the general plenipotentiary for manpower?

A. Such a request could not come from my department. The evacuation of Jews was entirely the responsibility of the Reichsfuehrer SS. I only had troubles because of such measures as it was very difficult to replace workers, and I was not in any way interested in it.

Q. In short, you dispute that you ever proposed a particular plan of work for Jews.

A. That is just what I am denying. I have nothing to do with it, it was not my task.

Q. Would you please refer once more to document 810, which I offered under 418. Will you look at page 16, under the heading: "Gauleiter Sauckel". I read:

A. I have not got the document available -- yes, I have.

Q. It must have been passed to you about two minutes ago.

A. Will you please give me the number again.

Q. Document 810, but perhaps it is not marked on the photostat. Have you got that document?

A. Yes.

Q. You have it? Under the heading "Gauleiter Sauckel", I read -- it is on page 16 of the document:

"As to Sauckel -- that man Sauckel showed himself very annoyed when it was said that the internees in internment camps and the Hungarian Jews constituted the best manpower as regards constructional work. This is positively injust because they furnish an average of 65 to 70 percent of the work of a normal worker, never one hundred percent. Besides, it is unworthy of the German worker and of the moral code of the German workers to put them in the same category as those dregs and traitors of the country. To an internee in a concentration camp and a Jew, work is not a title of nobility. One therefore, cannot permit things to arrive at the point that detainees in concentration camps and Jews will become 'articles' in demand. In workshops and yards internees of concentration camps and Jews must be kept apart from the remainder of the workers and also foreigners, under all circumstances.

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"Gauleiter Sauckel also pointed out finally that as a matter of fact he did not object to the employment of Jews and of detainees, but only against their exaggerations, as outlined above".

I would ask you Sauckel, therefore, you who yesterday described your own life as a workman, what you thought of what you said, namely as to work not being a title of nobility.

A. I want to say most empphatically in that connection that this paragraph is a very brief and free representation of the fact. It is a shorthand note. I opposed this because I assumed inmates of concentration camps would be traitors. I could not have assumed anything else, that is, except that people who went there should not be taken to the same places of work with others, that is, including Jews. But it was not I who acted in connection with this employment. There were workers of the Reichsfuehrer SS, and on the occasion of the Fuehrer conference, the conference of leaders, I spoke in the interests of ordinary workers and unpunished foreign workers. I fought against their joint employment in that connection and that was all.

Q. I ask you this question again. What did you mean when you said that to the detainee in a concentration camp and a Jew, work is not a title of nobility?

A. I wanted to say with that, that the work of unpunished, unblemished people should not be compared with the work of blemished workers. There is a difference whether I would employ prisoners or whether I would employ free workers, and I wanted to see that observed.

Q. So in that way Jews were internees, were they not?

A. In this case, the Jews were detainees of the Reichsfuehrer SS. Actually, I regret the expression.

Q. You dispute, therefore, that this phrase is an expression of your hostility which you manifested against Jews, for instance?

A. At that time I was, of course, against the Jews, but I was not concerned with that employment. I was against that, that this employment, these employees of the Reichsfuehrer SS should not be mixed up as in this case.

H0144-0084

Q. Did you ever conduct any propaganda against the Jews?

A. I did conduct propaganda against Jews as far as they had positions in the Reich, which I was convinced should have been occupied by Germans.

Q. I will submit to you an article which you wrote in the month of June 1944, at a period when I think in your Germany there were not so very many Jews still occupying important posts. This article appeared in a newspaper which you published in the Gau of Thuringia, PS 857, which I offer to the Tribunal as 1523. I shall read extracts from this article.

.(Witness handed document).

First extract from page one, column one, last paragraph but one:

"Now the holders of the best virtues, the sailors, the aviators and soldiers of Great Britain can not stop the Jewish plague which is making such rapid ravages on the body of their country".

Then, on page two, column two, last paragraph but one:

"There exists no example in the history of the world showing that anything of importance may have been created in the course of centuries by Jews and those who were corrupted by their manners and their habits".

I ask you, defendant Sauckel, what do you understand by the Jewish plague?

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A I understood that to be the phenomina of disintegration amongst the nations.

Q I ask you again my question. What do you understand by the "Jewish plague":

A It was my view that through certain Jewish circles a certain disintegration to the nation. That was my view.

M. HERZOG: The Tribunal will draw its own conclusions. Mr. President, I have no further questions.

BY GENERAL ALEXANDROV:

Q I would like to make a general summary of your activities in your function of General Plenipotentiary for the utilization of manpower. Tell me how many foreign workers were employed in German economy and industry at the end of the war?

A As far as I can tell you without documentsm not counting prisoners of war there were about five million foreign workers in Germany.

Q You already quoted that number during your direct interrogation by your defense. I believe that number applies not to the moment of the capitulation of Germany but to the date of 24 July, 1942. I will quote somewhat different data on that subject and will use your own documents. You were nominated General Plenipotentiary on 21 March, 1942. On 27 July, 1942, -- that is to say three months later -- you submitted to Hitler and Goering your first report. In this report you stated that from the first of April to the 24th of July, 1942, the mobilization quota of 1,600,000 persons was surpassed by you. Do you confirm this number?

A I quoted that figure and as far as I can remember that wasn't only including foreigners but also German workers.

Q In the final part of your report you state that the total number of the population of the occupied territories evacuated to Germany up to the 24th of July, 1942, numbered 5,124,000 persons. Is that number exact? Do you confirm it?

A Yes, but I believe that at the time included prisoners of war who had been included in the economic system, and then I must say in this connection that in the case of all neutral and western and other allied nations there was a continuous exchange, because these workers worked either six months, nine months, or one year, during which time they remained in Germany and at the end of which contract that had been agreed on they returned to their countries. That is why these figures of that time may be correct; but they could have increased con-

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siderably because there was this continuous exchange which you have to take into consideration.

Q But the fact is that, according to your own figures, the population evacuated to Germany numbered 5,124,000 persons to the date of the 24th July, 1942, is that so?

A If it says so in the document, then it may be true. It is possible; but it is probable that this takes into account the deployed prisoners of war. I can't say without facts, figures.

Q I will show you this and other documents referring to this matter later. On the 1st of December, 1942, you compiled a summary report on the utilization of manpower by December, 1942. In this summary you quote a figure referring to the number of workers assingned to German war industries from the 1st of April to the 30th of Nove mber, 1942, and these workers number 2,640,000. On page 8 of your report you come to the conclusion that by the 30th of November, 1942, in the territory of the Reich, 7,000,000 persons were employed. Do you confirm these figures?

I can't confirm the figure without documents and evidence. Again, I assume that French and other prisoners of war were once more included.

Q But the figure of 7,000,000 employed in German industry, foreign workers employed, even if you include the prisoners of war, is that figure exact? Will you now say how many workers were brought to Germany from occupied territories during the year 1943? Tell me that number.

A The number of foreign workers brought to Germany during the year may have amounted to one and a half to two millions. Various programs had been compiled in that connection which were continuously being rectified.

Q I am now interested to know how many workers were brought to Germany in 1943, approximately, You needn't give an exact figure. Approximately.

A I have already said one and a half to two millions. I can't be more exact.

Q I understand. Do you remember what task was assigned to you for the year 19

A In 1944 the number put to me amounted to a total of 4,000,000, including Germans; but of those 4,000,000 only 3,000,000 were supplied, and of those 2,100,000 were Germans and 900,000 foreigners.

Q Now can you give us a general summary of your activities? How many persons were brought to Germany from the occupied territories during the war and how

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many were employed in economy and industry at the end of the war?

A As I have already said, in accordance with my recollections, there were about 5,000,000 foreign workers in Germany at the end of the war. Several million workers were returned to neutral and Allied and Western countries during the war and they had to be replenished again and again, which was the cause for those new programs that were made. That is the explanation, that those workers who were already there before my time and those who were brought in did reach the figure of 7,000,000, but during the war there were once more several millions who flowed back to their home countries.

Q And also, a large number perished as a result of slave labor. I do not doubt that for a moment. In your documents you probably meant real manpower and not those who perished or those who were absent. Could you tell us how many were br- brought to Germany from occupied territories during the war? What numbers were brought there, actually?

A I have already given you the figure.

Q Five million?

A Yes.

Q You continue to assert that that is so?

A I will maintain that at the end of the war there were, so far as were counted by my statistical department and as far as I can remember, there were five million workers in Germany, because workers continuously returned. The experts of the department can give you a better answer than I. The contracts were either six or nine months, you see.

THE PRESIDENT: How many were brought into Germany, how many foreign workers, during the whole of the war? Is that the question you are asking?

GENERAL ALEXANDROV: Yes, it is.

THE PRESIDENT: What is your answer to that?

THE WITNESS: I have already stated that, including the workers who were there before my time, before I came into office, and including those who were there at the end, there may have been about five millions. In accordance with my material, there were five millions in the end, because the others had gone back.

THE PRESIDENT: Yes, but that is not what you are being asked. You are being asked: How many persons were brought to Germany from foreign countries during the whole of the war? You say there were five million at the end of the war, and there were constant changes in the preceding years. It follows that there must have been more than five million people brought to Germany in the course of a year.

THE WITNESS: Including the changes, I would estimate seven million, but I can't give you the exact figure because the figure which existed before my time is something I don't know reliably. At any rate, there must have been millions who returned home.

BY GENERAL ALEXANDROV:

Q. In November of 1942 you quoted a figure of seven million of imported labor.

A. Workers employed, and that includes prisoners of war, in 1942

Q. Yes, including prisoners of war, I understand. Is that right, seven million by the 30th of November?

A. I can't tell you for certain. It may be correct, but I can't tell you without evidence.

Q. I will show you the document tomorrow. Today, in answering my question, you said that during 1943, two million further workers were imported.

A. In 1943?

Q. Yes, in 1943.

A. Yes, one and a half to two million, I said.

Q. That is to say, seven plus two makes nine in all. Is that correct.

A. No. I said expressly that some went back all the time, and in the new forces I didn't even count the prisoners of war.

Q. You don't seem to understand me. I am speaking of those who were brought to Germany from the occupied territories, who passed through your hands. It is of absolutely no importance how many of them perished in Germany or how many left. That does not change the total number of workers brought to German territory from abroad.

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If, therfore, by the 30th of November 1942, there were seven million persons in Germany, and, according to you, in 1943 two further million were brought in, and in 1944, as you just said, nine hundred thousand were again brought in, then, according to you, the total number of workers imported to Germany during the war must have amounted to ten million. Is that right?

A. I can say only that with the reservation that I don't know how many were actually therebefore my time. That may be correct as a guess, and it may include all prisoners of war who were employed, or who were working. However, you have to deduct the prisoners of war from the civilian workers who were introduced into the country.

THE PRESIDENT: The Tribunal will adjourn.

(The Tribunal adjoutned until 31 May 1946, at 100 hours).